

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Medication Error: Nurse's Mistake Was Compounded By Her Efforts To Conceal.

During her 8:00 p.m. medication rounds the nurse pushed the medication cart down the hallway at the nursing home.

The cart held the medication cups in which she had placed each patient's p.m. medications.

Due to confusion as to the identity of the patient the nurse gave a patient a cup of pills including morphine, hydrocodone and oxycodone that were meant for another patient.

The patient who actually got these potent narcotics was prescribed only insulin, neurotonin and a low prn dose of Norco and was not used to a cocktail of more potent narcotics.

When the nurse got to the room of the patient who should have received the potent narcotics she realized from seeing his name on the door that she had made a mistake.

Instead of accepting her mistake and taking corrective action the nurse went back and poured and gave the right narcotics to the right patient. Then she altered the medication record to appear that the narcotics had not been given to the wrong patient.

The nurse went back and gave insulin to the patient who had received the narcotics, once she realized who he was and what medication he needed, and checked on him twice that night.



***The facility admitted the nurse was negligent to give three potent prn narcotics to one patient that were meant for another.***

***The facility denied it was liable for the nurse's efforts after the fact to cover up her mistake. The facility argued it was outside the scope of the nurse's employment to attempt to conceal a mistake.***

COURT OF APPEALS OF UTAH  
January 19, 2018

Contrary to the nurse's assumption that it would cause no harm to give potent narcotics to a patient unaccustomed to heavy dosages of narcotics, the patient in question was found unresponsive the next morning. He died two days later in the hospital without ever regaining consciousness.

### **Nursing Home Admits Mistake Denies Mistake as Cause of Death**

The nursing home admitted in court that the nurse made a medication error. Nevertheless it argued in its defense that the patient's death was actually caused by the nurse's concealment of her error and failure to take corrective measures for an opioid overdose.

The nursing home's legal argument was that making careless medication errors is not an unusual facet of a nurse's employment, but that intentionally trying to conceal a medication error falls outside the scope of a nurse's employment duties and is therefore not the nurse's employer's legal responsibility.

The Court of Appeals of Utah rejected the nursing home's argument. Although the jury separated fault 65% for the medication error and 35% for the nurse's efforts at concealment, the Court ruled the nursing home was 100% liable for the death of the patient.

Lane v. Rehab., \_\_ P. 3d \_\_, 2018 WL 491805 (Utah App., January 19, 2018).

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