

Methadone Patient In Car Accident: Court Says Physicians, Nurses Must Assess For Intoxication, Appreciate Additive Effects Of Medications.

A patient came to the methadone clinic and took his methadone while intoxicated on illicit drugs.

As he was driving home from the clinic he caused a motor vehicle collision in which two people were killed. The police forensic toxicology report turned up cocaine, Valium, codeine and methadone in his system.

A friend of the subject, also a regular patient at the methadone clinic, stated he, the friend, had told the nurse the subject was really high on cocaine that day when he was given his methadone.

The District Court of Appeal of Florida ruled there were grounds for the wrongful-death lawsuit filed by the victims' families against the clinic.

Caregivers Usually Not Liable

Physicians and nurses are usually not held liable when patients drive and get in accidents while on medications that can cause drowsiness. Although caregivers have an ethical responsibility to advise patients not to drive on the medication, the rationale for not imposing civil liability is that the patient, not the caregiver, has exclusive control over the patient's actions.

In most cases the courts have not held physicians or nurses liable when patients operate motor vehicles after taking medications that can cause drowsiness.

The rationale is that the physician or nurse has no control over the patient electing to take the medication and drive.

Even when a caregiver has neglected to advise a patient not to drive on a medication it is difficult to prove more likely than not the patient would have followed such advice if it were given.

It is different when a patient who is visibly intoxicated is administered medication with additive effects that can impair driving.

The physician or nurse has control whether or not to administer the medication and can be held liable.

DISTRICT COURT OF APPEAL
OF FLORIDA
May 7, 2003

Medication Administered To Patient Known To Be Intoxicated

The methadone clinic had full control over the decision to give or withhold his methadone and should not have given it, the court ruled. He should have been better assessed for acute intoxication. The slightest suspicion of intoxication should have caused the clinic staff to insist on a blood test or urine screen to rule out intoxication before giving his methadone.

The clinic staff should have appreciated the fairly straightforward additive effects of methadone taken with many illicit drugs and other medications.

The clinic had control whether or not to give his methadone and full responsibility for the consequences. This is different from the failure-to-warn scenario.

Medications And Patients Intoxicated On Alcohol

The court went on to comment that it is not uncommon in the emergency room and in other practice settings for physicians and nurses to treat patients who are visibly intoxicated on alcohol and to prescribe, administer or dispense medications having additive effects with alcohol.

While the caregivers have no control over what their patients elect to do, the caregivers do have full control over their own decisions to give medications or withhold them. This court would hold caregivers liable for the actions of intoxicated individuals who are given certain medications after they have been drinking. ***Cheeks v. Dorsey***, __ So. 2d __, 2003 WL 21014391 (Fla. App., May 7, 2003).

LEGAL EAGLE EYE NEWSLETTER
For the Nursing Profession
ISSN 1085-4924

© 2003 Legal Eagle Eye Newsletter

Published monthly, twelve times per year.

E. Kenneth Snyder BSN JD
Editor/Publisher

PO Box 1342
Sedona AZ 86339
Phone (206) 718-0861

info@nursinglaw.com
http://www.nursinglaw.com

Circle one: \$155 print \$120 electronic www.nursinglaw.com/subscribe

Check enclosed _____ Bill me _____ Credit card _____

Visa/MC/AmEx/Disc No. _____

Signature _____ Expiration Date _____

Name _____

Organization _____

Address _____

City/State/Zip _____

Mail to:

Legal Eagle
PO Box 1342
Sedona AZ
86339