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Kathy Ferrell: Medical-Legal Consulting Newsletter February 2006

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Happy Valentine !!

I hope you find my newsletters useful and informative. As always, I welcome your suggestions for future monthly newsletters, including topics you would like for me to address. Also, I would appreciate your forwarding my newsletter to other attorneys who may need assistance in medical malpractice, personal injury or product liability cases. I look forward to being of service to you.

OPERATIVE / POST-OPERATIVE COMPLICATIONS - THE NUMBER 1 ERROR IN GENERAL HOSPITALS

As reported by the Joint Commission on Accreditation of Healthcare Organizations, operative / post operative complications occur in 17.6% of the surgeries in the general hospital. This makes operative / post operative complications the #1 reported error in hospitals.

For each of these errors (64 errors) reviewed, a root cause analysis was completed. Eighty-four percent (84%) of the complications resulted in patient deaths, while 16 percent (16%) resulted in serious injury. All of the cases occurred in acute care hospitals. Fifty-eight percent (58%) of the complications occurred during the post-operative procedure, 23 percent during the intraoperative procedure, 13 percent during post-anesthesia recovery, and 6 percent during anesthesia induction.

The types of procedures most frequently associated with these reported complications included:

- Interventional imaging and /or endoscopy – Complications include perforation of adjacent organs with liver lacerations being most frequent in endoscopic abdominal and thoracic surgeries.
- Tube or catheter insertion – Injuries resulted from naso-gastric tubes being inserted in the trachea or bronchus and central venous catheters being inserted into an artery.

- Open abdominal surgery –massive fluid overload from absorption of irrigation fluids during genito- urinary/gynecological procedures.
- Head and neck surgery
- Orthopedic surgery – complications were associated with acute respiratory failure and cardiac arrest.
- Thoracic surgery

Complications associated with misplacement of tubes or catheters usually involved a failure to confirm the position of the tube or catheter (usually radiographically), misinterpretation of the x-ray image by a non-radiologist, or a failure to communicate the results of the confirmation of the procedure.

Two-thirds of the hospitals identified incomplete communication among caregivers as a root cause, while more than half mentioned failure to follow established procedures. The six other root causes included:

- Necessary personnel not being available
- Pre-operative assessment being incomplete
- Deficiencies in credentialing and privileging.
- Inadequate supervision of house staff.
- Inconsistent post-operative monitoring
- Failure to question inappropriate orders.

Eighty percent of the organizations which experienced these complications recommended improving staff orientation and training. For more information go to : www.jcaho.org.

PHARMACEUTICAL STANDARDS OF CARE

The legal nurse consultant (LNC) may divide pharmaceutical standards of care into many subgroups:

- Over the counter medications (e.g., Ephedra)
- Managed care prescribing practices
- Drug classification research (i.e., antibiotics, neuropsychic, anticholinergics)
- Herbal medications and their implications for surgical patient
- Drug action, uses, dosage, adverse reaction, interaction, contraindications, and nursing/medical consideration research
- Regulatory research (i.e. Food and Drug Administration, JCAHO, state)
- Various routes of administration research (i.e. Intravenous: bolus vs. primary vs. secondary, oral, sublingual, suppository, ophthalmic, otic, respiratory, nasogastric, vaginal, subcutaneous, or intramuscular)
- The 5 "Rights" of medication administration (patient, dose, route, time, medication)
- Toxicology considerations
- Treatment of infectious disease guidelines
- Role and responsibilities of Pharmacists (i.e., board certification, dosing, identification of risk factors, implementation of risk reductions programs)
- Role and responsibilities of the Pharmacy Technician

The following is just a partial list of resources used by the legal nurse consultant:

- American College of Clinical Pharmacology <http://www.accp1.org>
- American Pharmacists Association <http://www.aphanet.org>
- Antibiotic Guide <http://www.hopkins-abxguide.org>
- Boards of Pharmacy - Links by state <http://www.ptcb.org>
- U.S. Pharmacopedia <http://www.usp.org>
- Orange Book: Approved Drug Products with Therapeutic Equivalence Equations <http://www.fda.gov>

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