

FACTUAL BACKGROUND:

This is a medical malpractice claim arising from the unfortunate demise of [REDACTED]), who died on March 2, 2008, at the young age of 42. Petitioners are the decedent's next of kin. They assert, among other things, that the respondents violated accepted standards of medical care by failing to properly administer Actiq, Ambien, Cymbalta, Hydrocodone, Klonopin, K-Dur, Lasix, MS Contin, Neurontin, Oromorph, Percocet, Phenergan, Soma, and Xanax to [REDACTED], causing her to suffer death from a medication overdose.

Prior to treating with the respondents, [REDACTED] suffered from chronic low back pain and headaches. Her care was transitioned to Lifetree in 2001. At the time, she was taking about 200 prescription medication pills per month, equating to about 6.5 pills per day. By contrast, at the time of her death she had been prescribed 1,158 pills per month, equating to about 41.4 pills per day. An autopsy was performed, which concluded that [REDACTED] died from drug toxicity. All of the drugs that [REDACTED] had taken had been prescribed by Lifetree.

Dr. Webster is a pain management physician employed by Lifetree. During the material events in this case, he served in a supervisory capacity at the clinic, and was responsible for overseeing [REDACTED] care.

Linda Wolf is an APRN who worked at Lifetree from 2001 to

2003. She had only minimal involvement in treating ██████ at the clinic, seeing her only for a brief initial clinic visit in 2001 and then on the periphery until leaving the clinic in 2003, after which she had no further involvement in this case.

Mary Jean Walker is an APRN at Lifetree, who first saw ██████ in 2002 and then intermittently over the next few years. In September of 2006, she met with ██████ and was told about an incident involving a break-in at ██████'s home. ██████ expressed a lot of anxiety about the incident, and later told staff at Lifetree that it involved a sexual assault. The veracity of this report was apparently never verified.

Troy Hunter is an APRN at Lifetree. He became involved in ██████ care in approximately 2006, and he saw her regularly thereafter until the time of her death. By his account, ██████ appeared to be stable in terms of her pain management up until the time of her alleged assault in 2006. When the assault was first reported to him, he sought mental health counseling for ██████ with Cathy Seegers, another APRN at Lifetree with a background in mental health nursing. Ms. Seegers subsequently saw ██████ four times over a seven month period. She charted in the file that ██████ was very tearful, suffered from a great deal of anxiety, and was depressed. Seegers gave ██████ anxiety medication and made periodic adjustments to the same.

Jolley Pharmacy is a local pharmacy that was involved in

filling [REDACTED] prescription medication. It filled the prescriptions as ordered.

The central issue in this case is whether the respondents' management of [REDACTED] medication was appropriate and within the applicable standard of care. For their part, respondents deny any negligence in treating [REDACTED]. They affirmatively assert that [REDACTED] took more medication than had been prescribed to her, as indicated in a medication inventory prepared after her demise.

DECISION OF THE PANEL:

The panel has duly deliberated upon the evidence and testimony presented at the hearing, and now hereby concludes as follows:

1. The panel finds the petitioners' claims to be meritorious with respect to Lifetree, Dr. Webster, Troy Hunter, Mary Jean Walker, and Cathy Seegers. In deliberations, the medical experts on the panel noted that while [REDACTED] was under the care of these parties, she had high anxiety issues. Near the end of her life, the panel experts were concerned that there was no balancing of [REDACTED] medication. Among other things, they were concerned that [REDACTED] was taking a combination of MS Contin, Percocet and Hydrocodone, which created too much overlap. The addition of Actiq was another concern for the panel experts.

they saw no adequate justification for adding it to the prescription regimen.

In the opinion of the panel experts, [REDACTED] significant prescription program warranted close follow up and significant attention. They opined that for a patient taking this much medication, significant regular physical exams were required. Unfortunately, such exams did not appear to be adequately performed by Lifetree. The records in this case show only standard 15 minute assessments being performed, albeit at regular intervals. The panel experts did not believe that these assessments were adequate given the vast amount of medication that was being prescribed to [REDACTED]. At a minimum, they suggested that at least 30 minute assessments were required to comply with the standard of care.

In addition, the panel experts were of the opinion that [REDACTED] condition should have warranted a consultation with a psychiatrist, particularly when her break-in incident was reported. It does not appear that such a consultation was ever arranged by Lifetree.

The panel experts were also concerned with the dual combination of Soma and Xanax being prescribed to [REDACTED]. They saw no good reason why both medications needed to be given. They were concerned that [REDACTED] was getting too much sedatives, which was a particular problem in light of her documented finding of

moderate sleep apnea.

Also of note, the panel was concerned with the apparent lack of adequate oversight in this case by Dr. Webster. It appears that his review of the patient's condition was minimal, with little or no documentation of any regular reviews being conducted by him. Further, there were no random medication checks performed by Lifetree, and the only MRI done in this case was performed back in 2001, with no record of any repeat MRI being ordered.

In deliberations, the panel experts stated that they would not have managed ██████████ case the way it was managed by Lifetree. In their opinion, ██████████ lack of progress while on her significant medication regimen should have prompted staff at Lifetree to do a joint conference to inquire as to how best to treat her condition. Unfortunately, this meeting did not occur.

The panel finds that the foregoing deficiencies constitute a breach of the standard of care, which breach caused harm to ██████████. It is the opinion of the panel that such breach is attributable to Lifetree, Dr. Webster, Troy Hunter, Mary Jean Walker, and Cathy Seegers. Petitioners' claims against these parties are thus deemed to be meritorious.


2. The panel is not convinced that Linda Wolf breached the standard of care in this case. Her involvement in treating ██████████ was minimal, and the petitioners did not carry their

burden of proof in showing a breach by Ms. Wolf. Accordingly, petitioners' claims against Ms. Wolf are deemed to be nonmeritorious.

3. Likewise, the panel was not presented with sufficient evidence to show a breach of the standard of care by Jolley Pharmacy. Instead, it appears that the pharmacy accurately filled the prescriptions that were presented to it, pursuant to the scripts that were made. Petitioners' claims against Jolley Pharmacy are thus deemed to be nonmeritorious.

DATED: 3/11/10

FOR THE PANEL:


PANEL CHAIRPERSON