

Article review on medical law - article critique

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The case overview “ Did infiltrated injection site call for D/C of Taxol infusion?” (2008) by D. A. Tammelleo is dedicated to the liability of physicians and their practice groups for nurses’ malpractice. The case under discussion is Sacks v Neicase. In Sacks v Neicase the complaint, alleging medical malpractice against Dr. M. Sacks and The Medical Oncology Group was filed by Mr. Freeman, who suffered injuries due to Dr. Sacks’ negligence related to the administration of chemotherapy agents. Mr. Freeman died, and his daughter Mrs. Necaise acted as a plaintiff. The court awarded Necaise \$ 217, 334. 36.

According to Synopsis by Medical Law Institute Press (2007), consideration of the case involved dealing with several issues, which will be undoubtedly critical for future court practice. The first important question was whether a nurse could be considered credible witness, especially with regard to testifying to the cause of Mr. Freeman’s injuries, or testimony by medical doctor was needed. As the witness was a licensed nurse and was aware about standards of chemotherapy administration, the court allowed her give its opinion on the facts of the case, including causes of Mr. Freeman’s injuries. The injuries were proved to be caused by negligence in failing to stop infusion of Taxol after the appearance of patient’s negative reaction. After having established facts related to breach of nursing standards by the nurse, the court encountered the need to prove vicarious liability of Dr. Sacks. As the doctor admitted the fact that the nurse was under his supervision and control, the court ruled that Dr. Sacks was liable for any acts of negligence, committed by the nurse. So, the court proved the breach of nursing standards, found out that Mr. Freeman’s injuries were caused by

nurse's negligence and established the fact that Dr. Sacks was liable for any negligence committed by a nurse under his supervision. Combination of these findings let the court award a compensation to the plaintiff.

References

Medical law Institute Press (2007). Synopsis of Sacks v Neicase. Retrieved from <http://judicial.mc.edu/case.php?id=13727>

Tammelleo, A. David (2008). Did infiltrated injection site call for D/C of Taxol infusion? Nursing Law's Regan Report. Retrieved from <http://law-journals-books.vlex.com/vid/infiltrated-injection-taxol-infusion-57086364>