

# Vicarious liability module 3 ( slp)

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Vicarious Liability Vicarious Liability Introduction Vicarious liability can be defined as a condition whereby a single party is considered responsible for actions considered to be unlawful towards another party. The third party can get obliged to a share of liability in the case. Common situations when vicarious liability occurs are when one party has the control as well as responsibility to another party. Sufficient prove is required to indicate that the party with the responsibility and control neglected its mandate (Moses and Jones, 2011). The paper discusses the act of diluting drugs by Robert Courtney that was unethical to the society. The acts posed health risks to the patients and also resulted to psychological harm.

#### Discussion

There was sufficient evidence in the case of Robert Ray Courtney. The pharmacist was involved in the act of diluting chemotherapy drugs before prescribing them the patients diagnosed of cancer (Anselmi, 2012). The scheme was discovered through the assistance of a doctor who bought the drugs from Robert Ray Courtney and became suspicious that the pharmacist was selling more drugs than the amount he purchased. The doctor later took the drugs he obtained from Robert Ray Courtney to a lab for analysis. The analysis revealed that the dose of Taxol contained a 32% of the total amount of Taxol it was supposed to contain. The doctor then took the courtesy of informing the FBI and also FDA of the situation.

The government agents proceeded to test several samples of Taxol and also Gemzar retrieved from Robert Ray Courtney. The doses were meant for cancer patients and the federal agents found out that the drugs contained between 17% and 50% of the chemotherapy constituents they were supposed to have. As the investigations proceeded the government agents

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asked the doctor to buy other doses of Zofran, Taxol, Gemzar, Platinol and Paraplatin from Robert Ray Courtney and use fake patient identity. The drugs were analyzed in the lab and the results revealed that they contained a maximum of 65% of the constituents they were supposed to contain (DeKaye and Naclerio, 2012).

The government agents performed a search in the Courtneys pharmacy which resulted into his arrest. In the court hearings, Robert Ray Courtney pleaded guilty to the offense of tampering with products which resulted to bodily injury and also the offense of misbranding or adulterating drugs. Other parties that were also held responsible for the act were Eli Lilly & Co. and Bristol-Myers Squibb Co (Giliker, 2011) who were the manufacturers of the drug. The documents retrieved from the companies indicated that they understood that Robert Ray Courtney was diluting the drugs for a period of three years before he was arrested.

According to the lawyers of the patients, the manufacturers did not report the case to the authority irrespective of the information they possessed. The manufacturing companies thus compensated the victims who suffered bodily harm, as well as psychological harm. A total of 350 patients were allocated funds as their compensation, as a result, of the court ruling. Thus, vicarious liability is an aspect that needs to be observed by every health practitioner. The government should also ensure that those charged with the mandate of offering health assistance to the citizens maintain the ethical standards in the practice (Moses and Jones, 2011).

#### References

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