

Emily's Act: An Impact on Medication Errors and Public Safety

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Emily's Act: Impact on Public Safety and Medication Errors

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Objectives

- State the rationale for the passage of Emily's Act in Ohio
- Describe the impact on pharmacy technicians as a result of Emily's Act
- Describe under what circumstances a pharmacist may be criminally charged with manslaughter as a result of a medication error

Emily's Story

- At age 1 ½, diagnosed with Yolk sac tumor
- Excellent prognosis
- Treated with Etoposide
- Last chemotherapy session on second birthday

The Pharmacy

- Sunday, weekend staff
- Pharmacy computer down for maintenance
- Backlog of physician orders
- Short staffed
- Stat order on Emily's chemotherapy
- No break

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Emily's Final hours

- Fatal dose administered
 - Soon listless
 - Vomiting
 - “My head hurts”
- March 1st
 - Life support

In Honor of Emily

- “A Closer Look at a Medication Error”
- www.emilyjerryfoundation.org

How Could This Happen

- A pharmacy technician decided not to use a standard prepared bag of 0.9% sodium chloride solution.
- Instead, the pharmacy technician filled a plastic bag with a concentrated sodium chloride solution of 23.4% of which she had compounded herself.
- Pharmacist failed to detect the error.

AUDIENCE PARTICIPATION

- BASED UPON THE DETAILS OF THIS CASE, WHAT FACTORS CONTRIBUTED TO THE MEDICATION ERROR?
- Please type your answer into the chat box



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WHAT FACTORS CONTRIBUTED TO THE MEDICATION ERROR?

- Computer was down
- Cluttered work space
- Short staffed

- Other contributors
 - Technician distracted
 - Urgency expressed by nurse
 - No break
 - Weekend staffing

POLL QUESTION # 1

- Click what you think is the right answer and hit the "submit" button.

- Has a pharmacy technician made a medication error that was not caught by you, and eventually reached the patient?
- No Answer
- Yes
- No

As a Result the Emily Tragedy

- **The Pharmacy**
 - IV preparations now have two pharmacist check
 - Policy to use 0.9% NaCL reinforced
 - No longer able to make stock solution with 23.4% NaCL
 - 23.4% NaCL now kept under lock
 - More spacious IV area
- **The Hospital**
 - \$7 million dollar verdict

As a Result the Emily Tragedy

- **Emily's Act**
 - Passed as law in Ohio
 - Failed in US House of Delegates
 - Provides for model legislation for other states
 - Christopher Jerry Ohio Senator Tim Grendell driving force in creating law
 - Support from ASHP, NPTA

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As a Result the Emily Tragedy

- **Emily's Act**
 - requires prospective and current pharmacy technicians in Ohio to pass a competency test
 - law requires prospective and current pharmacy technicians in Ohio to pass a criminal background check.
 - Technicians must have at least a high school diploma or GED
 - Criminal penalties may be charged to individuals who do not meet qualifications

**H.R. 5491:
Emily's Act**

- 2/26/2008--Introduced.
- Pharmacy Technician Training and Registration Act of 2008 or Emily's Act - Amends the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to states to establish and implement a pharmaceutical technician registration program that requires a state to: (1) prohibit an individual from performing the duties of a pharmaceutical technician unless the individual is registered by the State Board of Pharmacy; (2) require for registration that the individual meet certain requirements related to education and training; and (3) submit an annual report to the Secretary on pharmaceutical technician errors in the state.
- Allows a state receiving a grant to provide a transitional period for individuals who began practicing as pharmaceutical technicians before the date of the enactment of this Act to comply with the requirements of the registration program.
- Expresses the sense of Congress that State Boards of Pharmacy should strive to ensure: (1) a ratio of two pharmaceutical technicians to each pharmacist in hospital settings; and (2) a ratio of three pharmaceutical technicians to each pharmacist in other settings, including drug stores.

<http://www.govtrack.us/congress/bill.xpd?bill=h110-5491&tab=summary>

AUDIENCE PARTICIPATION

- In your experience, have nationally certified pharmacy technicians shown more competency than non certified technicians? Can you comment of the value of certification?
- Please type your answer into the chat box



As a Result the Emily Tragedy

- **The Pharmacy Technician**
 - Granted immunity for testifying against Eric
 - Dismissed from hospital
 - Eventually became certified
 - Returned to work at CVS in a non- pharmacy position.
 - Never reprimended, fined, or arrested

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Pharmacist Eric Cropp Prior to Medication Error

- Graduated with BS in Pharmacy
- Was working on his Pharm.D. degree
- No documented history of medication errors
- Served as President of the Northern Ohio Academy of Pharmacy.
- Eight years experience with IV admixtures
- Employed for past two years at Rainbow hospital working with chemotherapy admixtures.

Pharmacist Eric Cropp AFTER to Medication Error

- Dismissed from Hospital.
- Later found employment in community pharmacy.
- Was found to have committed 14 documented medication errors after the Emily incident.
- Stripped of his license in 2007
- Ohio District Attorney charged Eric with Reckless homicide and manslaughter.

POLL QUESTION # 2

- Click what you think is the right answer and hit the "submit" button.
- In this case, do you feel the pharmacist should be charged in criminal court for the death of Emily Jerry?
- No Answer
- Yes
- No

Why This is Important To You?

- Guilty, jail or Not Guilty, continue RPh
- Set precedent for criminal prosecution of pharmacist as a result of medication error
 - 6 months in jail
 - 6 months home arrest
 - Three years probation, 400 hours community service

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Letter to the Ohio Board of Pharmacy

- Written by Kelly Jerry, mother of Emily
- Full letter on <http://www.flaame.org/News2-JerryPlea.html>

AUDIENCE PARTICIPATION

- What is your reaction to the judge sentencing pharmacist Eric Cropp to:
 - 6 months in jail, 6 months house arrest
 - Three years probation
 - 400 hours of community service
- Is this appropriate punishment for the death of Emily? Should this have been a criminal case?
- Should his license be revoked?

 Please type your answer into the chat box

Notes

Notes
