Objectives

- State the rational 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 Ylok 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
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](http://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
### 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
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

- 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
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
**Letter to the Ohio Board of Pharmacy**

- Written by Kelly Jerry, mother of Emily

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**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 been revoked?

- Please type your answer into the chat box

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**Notes**

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**Notes**