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

Eric Cropp, RPh
Kevin McCarthy, RPh

This program has been brought to you by PharmCon

Accreditation:

Pharmacists: 9798-0000-10-027-H53-P
Pharmacy Technicians: 9798-0000-10-027-H53-T

CE Credits: 1.0 contact hour

Target Audience: Pharmacists & Technicians

Program Overview:

Emily Jerry was nearly ready to go home from a Cleveland hospital. The grapefruit-sized tumor in her abdomen seemed gone, and the 2 year old was getting one last round of chemotherapy just to make sure. Instead, a medication error killed her. A Pharmacy technician mixed Emily’s chemotherapy drug 26 times above normal. The pharmacist on duty was eventually convicted of involuntary manslaughter. Join us in reviewing the facts of this case that has a nationwide impact and is the cause of significant changes in the pharmacy profession.

Attention Florida Pharmacists: This one hour presentation does NOT satisfy the medication errors requirement for the state of Florida.

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.

Speaker: Kevin McCarthy, RPh is a graduate of the University of Maryland School of Pharmacy. His professional background includes being a Trustee of the Maryland Pharmacists Association, and President of the Southern Maryland Pharmacists Association. In addition to owning his own pharmacy, he has worked in management in both chain and independent pharmacies. His most recent position prior to PharmCon was Director of Managed Care for Safeway Inc., and Regional Director of Sales for the pharmacy benefits manager, SMCRx, now known as Avia Partners, Inc.

Speaker Disclosure: Kevin McCarthy has no actual or potential conflicts of interest in relation to this program
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

• State the role of the Board of Pharmacy in medication errors.

• 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

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.

Based Upon the Details of This Case, What Factors Contributed to the Medication Error?

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 sealed settlement
Emily’s Act: Impact in Public Safety and Medication Errors

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

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.

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

• 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 reprimanded, fined, or arrested

http://www.govtrack.us/congress/bill.xpd?bill=h110-5491&tab=summary
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. 
  - Training errors, never reached patient, never reported to board by consumer.
- Stripped of his license in 2007
- Ohio District Attorney charged Eric with Reckless homicide and manslaughter.

Has a precedent been set?

Medication Error :
Mistake?
Crime?

A mother’s anguish...

Why This is Important To You?

- Guilty (jail) or Not Guilty, continue to practice
- 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

### 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 comments on the evaluation form.*