

RADONDA VAUGHT: LESSONS
LEARNED FROM A CRIMINAL
CASE AGAINST A NURSE
FOR A MEDICATION ERROR

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RADONDA VAUGHT CASE

Objectives:

- Describe the nursing liability associated with medication administration
- Identify the most common nursing lawsuit against nurses caring for neonates.
- List the four elements of a nursing malpractice lawsuit.

RADONDA VAUGHT CASE

Disclosures

- I am the owner of JurexNurse.com, a company that provides Professional Legal Nurse Consultant certification and training.

RADONDA VAUGHT CASE

References:

- The RaDonda Vaught trial has ended. This timeline will help with the confusing case, Brett Kelman, *The Tennessean*, Updated March 27, 2022, <https://bit.ly/39iXUZY>.
- Medication Errors Lead to a Criminal Conviction: What Nurses Should Know about the RaDonda Vaught Verdict, *JD Supra*, June 3, 2022, <https://bit.ly/3OaofrS>.
- Ten Ways to Avoid Getting Sued: What Every Nurse Needs To Know eBook, Elizabeth Rudolph, JD, MSN, RN, PLNC.
- JurexNurse.com blog: <https://jurexnurse.com/blog>

INTRODUCTION

Explore the RaDonda Vaught case

WHY I BECAME A NURSE? GAGA



NOW WHAT? IMPACT OF THE CASE

- RN in medication error case: Guilty
 - Criminally negligent homicide
 - Negligent abuse of impaired adult
- How can this impact you?
 - Criminal prosecution is RARE with medical errors
- Want to set your mind at ease, but learn how to handle situations

FOCUS ON YOU!

- Your job is important
 - Patients and family rely on you
 - Self-check:
 - Own stress level
 - Mindfulness



TIMELINE OF FACTS

Chronology

FACTS OF CASE: TIMELINE

- Highlights of Facts
- 2015: RaDonda Vaught, RN begins working at VUMC

FACTS OF CASE: TIMELINE

- Dec. 24, 2017: 75 y/o patient Charlene Murphey of Gallatin, TN
 - VUMC with subdural hematoma
- Dec. 26, 2017: Prior to PET scan: Order for Versed 1mg for anxiety

FACTS OF CASE: TIMELINE

- RaDonda Vaught, RN to administer drug typed in “VE” into med cabinet
- She used override function for full meds access
- Testimony: practice at VUMC d/t issues at the time
- She selected first med she thought was Versed

FACTS OF CASE: TIMELINE

- Nurse Vaught selected “Vecuronium bromide” instead
- A paralytic. Warning on label
- She prepared the med: reconstituted
- Administered med

FACTS OF CASE: TIMELINE

- About 30 mins later, pt unresponsive per radiology staff; resuscitated
- ICU: Vaught reported her error to physicians and supervisor
- Dec. 27, 2017: Pt disconnected from breathing machine
- Died: anoxic brain injury

FACTS OF CASE: TIMELINE

- Dec. 27, 2017: Two VUMC neurologists report death to Davidson County Medical Examiner.
- Death: Natural d/t brain bleed

FACTS OF CASE: TIMELINE

- Jan. 2018: Vaught terminated
- Discussions about VUMC's actions/reporting
- Early 2018: VUMC settled civil lawsuit with family

FACTS OF CASE: TIMELINE

- May 2018: Vaught working at TriStar Centennial Medical Center, Nashville, in nonclinical position; nursing licensed required
- Oct. 3, 2018: Anonymous tip to health officials

FACTS OF CASE: TIMELINE

- Oct. 23, 2018: TN Dept of Health opts against disciplinary action of Vaught
- Oct. 31 - Nov. 8, 2018: Centers for Medicare & Medicaid inspect VUMC. Confirmation of facts.

FACTS OF CASE: TIMELINE

- Nov. 2018: CMS releases its investigation and its plan of action to VUMC
- Feb. 4, 2019: Vaught is identified and charged: Indicted
 - Reckless homicide
 - Impaired adult abuse

FACTS OF CASE: TIMELINE

- Feb. 5, 2019: VUMC meets with TN Board of Licensing Health Care Facilities
- Feb. 20, 2019: Vaught's first court appearance: Plea of not guilty
- Aug. 20, 2019: Med examiner re-examines circumstances of death "Accidental"

FACTS OF CASE: TIMELINE

- Sep. 27, 2019: TN Dept of Health: opts to now pursue discipline against Vaught
- Oct. – Nov. 2019: ALJ: disciplinary hearing comes before criminal trial date

FACTS OF CASE: TIMELINE

- Jan. 16, 2020: Vaught's attorney motion: Criminal trial before disciplinary proceeding
- May 2020: Disciplinary hearing date set; actions as to which comes first
- Spring 2020: Pandemic delays disciplinary hearing and criminal trial

FACTS OF CASE: TIMELINE

- July 22, 2021: Disciplinary hearing
- July 23, 2021: TN Board of Nursing revoked Vaught's nursing license

FACTS OF CASE: TIMELINE

- Mar. 21, 2022: Criminal trial begins
- Mar. 25, 2022: Guilty verdict
 - Criminally negligent homicide
 - Abuse of an impaired adult
 - Note: Jury included two medical professionals: one was a nurse

FACTS OF CASE: TIMELINE

- May 2022: Sentencing
- Potentially up to 12 years in prison, received:
 - 3 years diverted sentence
 - If follows probation rules, it could be expunged

REACTIONS

Positive and Negative

FACTS OF CASE: REACTIONS

- GoFundMe raised \$110K
- Comments: supportive, non-supportive
- Fearful of criminalization of medical errors
- Nurses have made errors before, as egregious?



ANALYSIS

Deep Dive

ANALYSIS

- We can all identify with Nurse Vaught
- We've all made mistakes
- Your worst fears
- Problems: staffing shortages, increased workload, longer hours, stress
- Criminalization of medical errors

ANALYSIS

- Vaught's conviction is a *rare* example
- By far the greatest threat: Civil lawsuits
- My experience as an attorney
 - Civil lawsuit
 - Employer discipline
 - TN licensing board proceeding

ANALYSIS

- Vaught faced all of these:
 - Matter was settled
 - Employer terminated her
 - License revoked
- Criminal charges (RARE)
- Grand Jury indictment & trial



NURSING MALPRACTICE

Liability Reduction Strategies

LEGAL TERMS

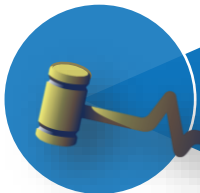
- Negligence
- Medical/Nursing Malpractice
- Recklessness
- Criminal Negligence
- **Civil Negligence**

NEGLIGENCE V. MALPRACTICE



Negligence

- ❑ Failing to do something you should have done
- ❑ Doing something you should not have done



Malpractice

- ❑ Negligence committed by a professional

FOUR ELEMENTS OF NEGLIGENCE

1

Duty

2

Breach

3

Causation

4

Damages

NEGLIGENCE

Duty

Defining the Standard of Care

- ✓ Nurse Practice Act
- ✓ Nursing Textbooks
- ✓ Nursing Journals
- ✓ Policy and Procedures Manuals
- ✓ Job Descriptions

NEGLIGENCE

Duty

Defining the Standard of Care

- ✓ Professional Organizations
- ✓ Certifications by specialty nursing organizations
- ✓ The Joint Commission Guidelines
- ✓ Hospital Formulary and P.D.R.
- ✓ Nursing Care Plan

NEGLIGENCE

Breach

- ✓ Failing to observe
- ✓ Failing to monitor
- ✓ Failing to report
- ✓ Failing to follow up
- ✓ Failing to document
- ✓ Failing to assess
- ✓ Failing to recognize and appreciate

NEGLIGENCE

Causation

- ✓ Proximate cause
- ✓ Direct cause
- ✓ Substantial factor

NEGLIGENCE

Causation

Causation – one of the hardest factors to prove

Burden of Proof

- ✓ Rests with Plaintiff
- ✓ Must disprove

NEGLIGENCE

Damages

- ✓ Long term
 - ✓ Short term
 - ✓ Physical
 - ✓ Emotional

NEGLIGENCE

Damages

Types of Damages

- ✓ Compensatory
- ✓ Pain and suffering
- ✓ Punitive damages

LESSONS LEARNED

Apply to Neonatal Nursing Practice

LESSONS LEARNED

- Be diligent, professional
- Vaught searched brand name; cabinet set to generic names
- Review nursing standard of care
- Stay current on distraction & burnout remedies

LESSONS LEARNED

- Watch nursing videos:
standard of care
- Follow nursing influencers
- Use social media groups for
guidance
- Follow Nursing Code of
Ethics

MISTAKES

Handling Mistakes

IF YOU MAKE A MISTAKE

- Failing to report medical error has consequences
- Deal with culture of silence
- Report the mistake per your institution's policies & procedures
- Avoid appearance of impropriety

IF YOU MAKE A MISTAKE

- Contact your malpractice insurance carrier
- Consider retaining own attorney



INVESTIGATIONS

Types of Cases

INVESTIGATIONS & LAWSUITS

- Different types of cases
 - Civil
 - Criminal
- Served with lawsuit paper: Complaint
 - Notify employer
 - Notify malpractice insurance carrier
 - Insurer appoints attorney

INVESTIGATIONS & LAWSUITS

- Consult with attorney to:
 - Review your notes, incident report
 - Prepare for interviews, proceedings
 - Stay in contact with your attorney
- Expert witnesses



THE PATH FORWARD

Moving Ahead

MOVING FORWARD

- There could be:
 - Mediation, negotiation, settlement
 - Disciplinary hearing
 - Depositions

A LITTLE MORE ABOUT ME

Combined Nursing and Law

WHY I BECAME AN ATTORNEY



WHY I COMBINED NURSING & LAW



WRAP-UP

Conclusion

CONCLUSION

- A tragedy: Loss of Ms. Murphey and what transpired with Nurse Vaught
- Use the lessons for the good
 - Utilize liability reduction methods
 - Continue to increase your nursing knowledge
 - **Education is *critical!***

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