

\$25.8 MILLION VERDICT AGAINST WALGREENS IN PRESCRIPTION ERROR

Mistake of 10 mg dose instead of 1 mg dose results in massive cerebral hemorrhage in woman fighting breast cancer.

In the summer of 2002, Beth Hippely, age 42, mother of four, was diagnosed with cancer in her right breast. Fortunately, the detection was early enough that with the tremendous strides made in the treatment of breast cancer, her prognosis was very favorable. Beth looked forward to a full life expectancy provided that she followed her doctor's treatment regimen which included chemotherapy, radiation, and a drug called Tamoxifen. On September 20, 2002, after undergoing three cycles of chemotherapy, Beth Hippely had her prescription for a blood thinner known as Warfarin (generic Coumadin), filled once again at her local Walgreens Pharmacy. Coumadin is a very dangerous and potentially lethal medication if given in the wrong dose. However, unbeknownst



Beth Hippely in her hospital room.

to Beth or her family, instead of being given 1 milligram pills as prescribed by her doctor, Beth was given 10 milligram pills.

On October 13, 2002, after mistakenly taking the 10 milligram pills for three weeks, Beth Hippely suffered a massive cerebral hemorrhage and was rushed to Lakewood Regional Medical Center for an emergency craniotomy. Sadly, Beth slipped into a comatose state, and her future looked very bleak. *(Continued on page nine.)*

FLORIDA SETTLES \$10 MILLION CHILD ABUSE CASE

Dept. of Children and Families knew about on-going 'catastrophically destructive' abuse to three children in their care.

The adoptive parents of three adolescent boys who were sexually abused in one foster home and cruelly disciplined in another, reached a compromise settlement with the Florida Department of Children and Families for \$10 million on October 22, 2007, the eve before a two-day Summary Jury trial was to begin in West Palm Beach.

A specially-set, two-month trial was to start on November 5, 2007 before Palm Beach Circuit Judge Edward Fine.

"I've been trying cases against the state of Florida for 23 years, and this is the first time that I have seen DCF try to settle a meritorious case," said SDSBS attorney Lance Block, who with Tallahassee attorney Karen Gievers, represented the boys and their adoptive parents. "Had this case been against a private entity, the settlement would have been for many millions more. But this case was against the government *(Continued on page three.)*

\$25.8 million verdict against Walgreens in prescription error.

(Continued from page one.)

Her family was told to consider making plans regarding the life supporting measures that were being used to sustain Beth's life. Beth eventually progressed to what is known as a "locked-in" state. It is a horrendous neurological state where a person is aware of their surroundings, but has little or no means of communication. Eventually, Beth was able to communicate by using eye movements only. She blinked once for "yes" and twice for "no."

Unfortunately, while Beth heroically fought to overcome her plight, she was never able to complete her life-saving chemotherapy protocol... the breast cancer returned and spread throughout her body.

Beth Hippely required tracheal intubation/breathing tube as well as a feeding tube for over ten months. She also underwent extensive treatment and painful rehabilitation during her hospitalizations and treatment at nursing homes. Ultimately, Beth was transferred to the Florida Institute for Neurological Rehabilitation (FINR) in Wauchula, where she progressed somewhat. She attempted to relearn how to eat, walk, and talk. Sadly, the need for the use of the breathing tube left Beth's vocal cord nerves impaired, and she spoke with great difficulty. This nightmare took its toll on not only Beth but also her husband Deane and Beth's son, Randy, who tried their hardest to make the household function for Beth and Deane's daughters, Kerrienne and Nellie. They learned to accept the dramatic changes in Beth resulting from her massive brain injury and appreciate what they had in Beth. Beth was eventually able to have short weekend visits at home with her family, after they were trained to manage her health care needs. The Hippely family's goal was to get Beth home for good so they could be a complete family again. Unfortunately, they did not have the enormous financial resources that it would take to hire appropriate health care nurses in order to safely bring Beth home on a permanent basis.

Beth and Deane Hippely and the children got to share their last Christmas together in 2006. Unfortunately, while Beth heroically fought to overcome her plight, she was never able to complete her life-saving chemotherapy protocol. Sadly, after this family's long fight to rehabilitate and bring home their beloved mother and wife, the breast cancer returned and spread throughout her body. Beth died on Jan. 8, 2007. Not only had Beth been robbed of the tools to fight cancer, but she had been subjected to some of the most taxing stresses both physically and emotionally. This family, who had struggled through tremendous challenges, had their hearts broken once again.



Beth and Deane Hippely

Amazingly, Walgreens, self-proclaimed as "*The Pharmacy America Trusts*," refused to take full responsibility for this tragedy. Instead they blamed others, including Beth's physicians, and even Beth herself, for failing to catch their error! SDSBS attorneys Chris Searcy and Karen Terry left no stone unturned. They discovered that workload problems had been a significant reason for the misfill. It was also discovered that the pharmacy technician that input the prescription was a high school student who had previously worked at a local movie theatre.

The Hippely case was passionately pursued by attorneys Chris Searcy and Karen Terry. On August 17, 2007, a Polk County jury finally delivered to Deane Hippely and Beth's children, Randy, Kerrienne, and Nellie, a long-awaited justice. A verdict was rendered in favor of the plaintiffs against Walgreens for just over \$25.8 million. Tragically, Beth was not physically in court to see her fight through. Even at trial, Walgreens failed to accept responsibility for Beth's death.

Walgreens' delays and failure to accept full responsibility did not stop the march to justice against the corporate giant. Deane Hippely promised his wife that he would see this fight through so that other consumers would be protected. This case, along with others, was featured on ABC's *20/20* and in many news articles across the country. This verdict has created a healthy and needed dialogue surrounding safety issues including the use of unlicensed pharmacy technicians, industry training standards, error reporting, and the safe volume of prescriptions to be handled. The challenges of relying on government oversight, or self-policing by the industry, are clearly insurmountable. It takes courageous plaintiffs, like the Hippelys, to fight the hard fight, not only for themselves, but for all those they hope and pray will never have to endure the same pain. ■

\$25.8 Million Verdict:
MEDICAL MALPRACTICE