



DAVIS LAW GROUP News

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Representing Washington Accident Victims & Families Affected By Wrongful Death

Fall Issue

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(by appointment only)

Renton

S Grady Way
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(by appointment only)

Mercer Island

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Seattle Children's Hospital Sued For Causing Fatal Medication Error

by Chris Davis

Davis Law Group has recently filed suit against Seattle Children's Hospital and two of its dentists for causing a fatal medical error that killed a 15 year-old boy named Michael Blankenship. The lawsuit was filed within a few weeks following the parties' unsuccessful attempt to resolve the case.

Michael went to Seattle Children's back in May 2009 for routine dental work consisting of teeth extractions and cleaning. Michael was autistic so he received general anesthesia which was quite normal for children with special needs. Michael's condition also meant that he could not or would not ingest oral medication so the hospital administered morphine through an IV drip. **The surgery went well. Upon discharge** however, Michael's dentist prescribed a dangerous and powerful narcotic called a Fentanyl pain patch. The patch is applied to the skin so the drug is absorbed through into the body. Michael was prescribed the highest concentrated dose of the drug – 100 micrograms/hour (the drug also comes in dosages of 12.5 mc/hr, 25 mc/hr, 50 mc/hr, and 75 mc/hr).



Michael's mother, Tammy Jarbo-Blankenship, made sure to ask the prescribing dentist, the resident dentist, the discharge nurse, the pharmacy technician and the head pharmacist at the hospital that the drug was appropriate. Each time Tammy was told that the Fentanyl patch was safe and appropriate for Michael.

However, the drug's manufacturer along with standard physician reference guides warns against using Fentanyl except in very limited circumstances. The drug should only be used on patients who are considered opioid-tolerant (those who have been taking large doses of narcotics over a long period of time). The drug should never be used to treat post-surgery pain, or mild pain, or pain that is considered intermittent. The drug should only be used on those patients who are suffering from chronic pain (pain that continuously lasts weeks or months) like cancer patients.

Michael had no history of using narcotics on a long term basis. He was not opioid-tolerant. And Michael was not suffering from chronic pain. Yet no one at the hospital ever informed Tammy about the warnings associated with Fentanyl. No one ever told Tammy that her son Michael had been prescribed the highest concentrated dose of the drug, or even explained why Michael may have needed such a large and dangerous dosage.

It turns out that since 2005 the Food and Drug Administration (FDA) has been issuing repeated warnings to hospitals and physicians about the dangers of using Fentanyl pain patches. The FDA has repeatedly warned doctors about using Fentanyl to treat (Continued on Pg 2)

November 1st: Pedestrian Accidents Increase As Daylight Saving Time Ends



As the clocks move back an hour at the end of daylight savings time, pedestrian collisions, crosswalk accidents, personal injury and wrongful death cases involving motor vehicles are more likely to occur.

According to a CNN report, pedestrians walking at dusk are three times more likely to be struck by a car than before the clocks moved back.

The highest risk for pedestrians occurs around 6pm during the month of November. This risk decreases each month until May, when the spring time change and longer days cause pedestrian deaths to drop dramatically. Reports show that it is not the actual dark that causes these pedestrian-car accidents, it is the drivers' adjustments to the earlier darkness.

Drivers: Be on the lookout for pedestrians as you drive at dusk and after dark.

Pedestrians: Take extra care to make sure that drivers can see you.

Children's Hospital Sued For Fatal Medication Error

(Continued from Pg 1) post-surgery pain, and that several deaths have occurred when physicians improperly prescribe the drug to non-opioid tolerant patients like Michael Blankenship. Seattle Children's Hospital apparently never took the FDA's warnings seriously or completely ignored them.

DLG has hired several experts across the country to examine this case. All of them state the action of prescribing Michael with Fentanyl in its most concentrated form was a very egregious medical error. One expert went so far as to state that it was the most indefensible case of medical malpractice that he's seen in 26 years of consulting as an expert in medical negligence cases.

Michael's death was no doubt tragic and easily preventable. The prescribing dentist merely had to consult the Physician Desk Reference (a book available in every hospital – takes 30 seconds or less) to make sure the Fentanyl patch was appropriate and safe for Michael. The hospital has told the press that the egregious error was not the fault of any one person, but caused by multiple persons involved with Michael's care. It's hard to believe that so many people at a reputable hospital like Seattle Children's could have dropped the ball on this one, which is why DLG founder Chris Davis calls the actions of the hospital reckless.

To her credit, Tammy Jarbo-Blankenship decided to bring the lawsuit to help raise awareness about catastrophic medical errors that kill people. Her decision to sue was not made lightly. She decided to pursue legal action only when it became clear that Seattle Children's did not fully appreciate the magnitude of the harm committed. Tammy has also started a foundation in Michael's name for the purpose of educating the public and the medical community about the treatment needs of autistic children.

Free Informational Books

The Ten Biggest Mistakes That Can Wreck Your Washington

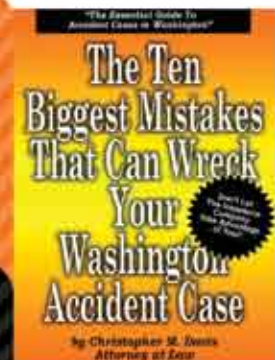
Accident Case covers a wide array of accident claims topics such as, who should pay your medical bills and lost wages. The book also details how to work with a claims adjustor, medical treatment considerations, and how determine if you really need a lawyer.

Little Kids, Big Accidents: What Every Parent Should Know About Children &

Accidents Get basic facts about typical accident claims involving children. The book defines the legal and settlement process for child injury claims; gives tips on dealing with insurance companies; offers insight into how to determine the value of a child injury claim; and discusses common questions and legal issues that are often present in cases involving children.

When The Dog Bites: The Essential Guide To Dog Bite

Claims In Washington This book explores the legal rights of dog bite victims; outlines the legal and settlement process for dog bite claims; gives tips on dealing with insurance companies; answers common questions asked by dog owners and bite victims; and address legal issues that are often found in animal attack cases.



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DAVIS LAW GROUP

SCHOLAR ATHLETE OF THE WEEK



The Davis Law Group Scholar Athlete Program recognizes outstanding student athletes who perform on the field and in the classroom. Award recipients receive a \$100 scholarship and become eligible for a \$1,000 scholarship presented at the end of the year to one male and one female Davis Law Group Scholar Athlete of the Year.

Scholar Athlete of the Week 10/8/2009

Performing as a varsity long-distance runner in cross-country and track since he started at Bothell High School, Kevin has worked hard in the classroom to maintain his 3.92 cumulative GPA. A humble leader, Kevin encourages and supports both his teammates and his classmates.

"What's really nice about working with him is that he never loses site of the fact that his team is the number one priority," says running coach Cathy Boyce, "It doesn't matter who he's dealing with, he treats everyone the same: boys, girls, varsity, JV... He very much encompasses the entire teammate experience."

In addition to taking mostly AP/Honors classes and still maintaining his 3.92 GPA, Kevin is also a very talented artist actively enrolled in the advanced art classes at Bothell. According to his art teacher he has a wide range of artistic capabilities, pulling marvelous themes from his imagination and also drawing from real life. She also mentioned his noteworthy ability to incite collaboration amongst classmates when given group projects.



Scholar Athlete of the Week 10/1/2009

Andrea sports a 3.8 cumulative GPA at Ingraham High School in addition to having started as a varsity athlete in both Volleyball and Softball each year since she entered as a freshman. She also participates in a select Softball league.

"She's one of those extraordinary people," says her Volleyball Coach Mark West, "Coaches look for players that make their teammates better. That's a really hard thing to find, and she does that."

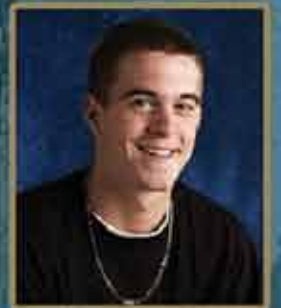
Since her freshmen year, Andrea has stepped up as a leader at Ingraham, fulfilling the role of motivator, team captain and even assistant coach giving tips and working with teammates on their technique. Coach West continues, "She's in that top 2% for what coaches look for. It's a rare combination; She's able to have the high energy and high amp to get everybody's blood moving, and then to do it positively."



Scholar Athlete of the Week 9/24/2009

Kris has consistently been a top performing athlete at Juanita high school, starting and lettering for the last three years in football, basketball and baseball, all while maintaining an incredible GPA of 3.867, a testament to his academic commitment. Kris Otterholt stands out on the field year-round playing wide receiver and safety on the football team, starting guard on the basketball team, and centerfielder on the baseball team.

When asked to describe Kris, former teachers consider him respectful, detail-oriented, and a skillful writer, always willing to help others in need. In his community he has spent a great deal of time helping feed the less fortunate, volunteering for the Matt Talbot Center for the Homeless as well as working with future Rebels at Juanita's baseball camp. Kris is planning to pursue a career in either math or business. His dream is to have the opportunity to play either football or baseball for an Ivy League team.



Know an outstanding student athlete?

➔ www.ScholarAthleteProgram.com

The Davis Law Group Scholar Athlete Program encompasses both King and Snohomish County high schools. For a student to be recognized as the Davis Law Group Scholar Athlete of the Week, he or she must have at least a 3.0 GPA, have enough credits to be recognized as a senior, and perform as a major contributor in his or her sport(s). If the student you nominate doesn't get selected this week, we will keep their nomination to be considered throughout the year.

However, it never hurts to re-nominate in the future to keep us updated on their performance.



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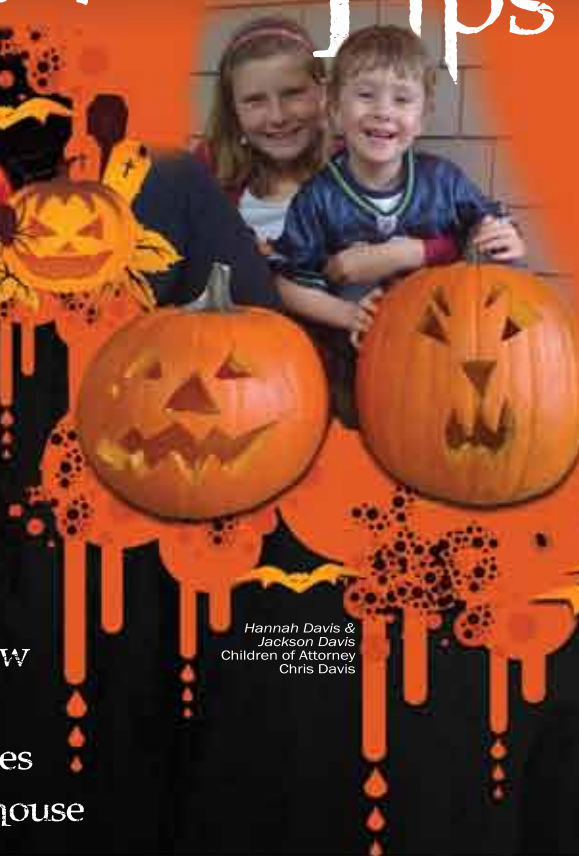
Attorney Chris Davis

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HALLOWEEN Safety Tips

- Walk, don't run
- Stay on sidewalks
- Carry a flashlight
- Obey traffic signals
- Stay in familiar neighborhoods
- Approach only houses that are lit
- Put pets away to prevent them from biting
- Wear clothing with reflective markings or tape
- Buy costumes made of flame retardant material
- Walk on the left side of the road facing traffic
- Carry only flexible toy knives, swords or other props
- Stay away from and don't pet animals you don't know
- Carefully inspect and toss out treats that look suspect
- Clear your yard of things that can trip the young ones
- Avoid wearing masks while walking from house to house



Hannah Davis &
Jackson Davis
Children of Attorney
Chris Davis