

# Wisconsin Hospital Association, Inc.



Date: November 2, 2006

Contact: Mary Kay Grasmick, WHA

608-274-1820 (office) 608-575-7516 (cell)

## Hospital Association Statement Regarding Legal Actions Against Nurse

### ***Attribute to:***

***Dana Richardson, RN, Spokesperson, Wisconsin Hospital Association***

The Wisconsin hospital community continues to grieve for the family of Jasmine Gant and for the loss of her precious life. This tragic event has caused hospitals throughout Wisconsin and, in fact, across the nation, to further examine their policies to prevent this mistake from ever happening again.

The Department of Justice's (DOJ) decision to pursue unprecedented criminal charges against a nurse who did not deliberately harm a patient accomplishes nothing other than to compound the anguish of this situation. The risk of a mistake can be minimized, but mistakes will occur. It is hard to say that and harder yet to accept that, but it is a reality, because the very nature of health care is that it is delivered from one person to another person. That said, it makes no sense to add to this tragedy by alleging that this mistake, as upsetting as it was, was more than a human error. And it is cruel to allege that this mistake constituted criminal conduct.

The State has a duty to investigate and take appropriate action to protect the public when a mistake occurs in a hospital that causes harm to a patient. The State Department of Health and Family Services, the Federal Center for Medicare and Medicaid Services, and the Wisconsin Department of Regulation and Licensing are, or have, conducted investigations to ensure that corrections are made that will improve the safety and quality of care. Actions by these agencies will have a profound impact on the hospital, the hospital staff, and, in particular, the nurse involved in the case.

We are concerned, however, that unlike the other agencies involved in this case, actions by the DOJ will actually have a negative impact statewide on the accessibility to and quality of care provided in Wisconsin. By setting a precedent that the DOJ will pursue criminal charges against health care professionals who make unintentional human errors, the DOJ sends a chilling message to health care professionals now in the state, and to those who are considering practicing here.

People enter the health care field to care for others. Knowing that the consequence of making an unintentional error could be criminal charges, students will take pause when considering a health occupation. Health professionals enter health care knowing that a mistake could cost them their license, livelihood, and financial stability. They understand that risk. What is incomprehensible is entering a career where a single error could lead to imprisonment.

--END--