

## Contraindicated Use: Lawsuit Faults Surgical Staff.

The patient developed partial paralysis as a complication of spinal surgery.

Her condition was traced to the surgeon's injection of methylene blue into her spine as a stain to locate the site of a spinal fluid leak, a contraindicated use of that particular substance.

A pharmaceutical vendor's people reportedly removed the vials from shipment boxes and stocked them in the surgery supply case, throwing away the package inserts in the process.

The jury in the Circuit Court, Miami-Dade County, Florida assigned 18% of the \$38 million verdict to the hospital. Most of the blame for the patient's injury was assigned to the surgeon and the pharmaceutical vendor.

The partial verdict against the hospital was based on the argument that hospital surgical personnel have an independent duty to investigate, understand and communicate to the surgeon pertinent contraindications of substances used in the operating room. **Slavin v. Mount Sinai Med. Ctr.**, 2009 WL 1199242 (Cir. Ct. Miami-Dade Co. Florida, March 16, 2009).