

Medication Side Effects: Patient Was Negligent To Drive Home.

While the patient was waiting for her radiation oncologist in the cancer treatment center the nurse came in and gave the patient an oral dose of Ativan.

About an hour later the patient was informed the radiation oncologist could not come in and treat her and she would have to come back the next day.

On the way home the patient crashed her car into a tree and was badly injured.

The nurse told the patient she could not tell her one way or the other whether she could drive after taking the Ativan.

Without checking with the doctor as the nurse told her to do the patient decided to drive herself home.

The jury found the patient 70% comparatively negligent for the car crash.

DISTRICT COURT OF APPEAL
OF FLORIDA
November 3, 2010

The District Court of Appeal of Florida ruled it was not unreasonable for the jury to return a verdict in the patient's lawsuit against the cancer center finding the patient herself seventy-percent at fault for her injuries from the car crash.

The patient told the nurse she had been prescribed Ativan before as treatment for situational anxiety after the passing of her husband. The patient was well aware of its action and its side effects.

The nurse told the patient to check with the radiation oncologist to see if it was OK before driving home. The oncologist did not actually come in to see the patient that day, but the decision to drive home was nevertheless the patient's own choice for which she was held largely responsible. Drew v. Tenet St. Mary's, Inc., __ So. 3d __, 2010 WL 4320406 (Fla. App., November 3, 2010).