

CDC: New Vaccine Information Materials For Td, Tdap, Hib, Rotavirus.

On June 5, 2015 the US Centers for Disease Control and Prevention (CDC) announced that after November 1, 2015 all US healthcare providers when they provide Td, Tdap, Hib or rotavirus vaccinations to their patients will be required to provide adult patients or child patients' parents or guardians copies of the CDC's new vaccine information materials.

The new vaccine information materials for these vaccines will replace the interim materials for these vaccines from October, 2014.

Copies of the new vaccine information materials, copies of the CDC's existing required vaccine information materials for a long list of other routine and non-routine vaccines and instructions from the CDC for use of the materials are available from the CDC's website <http://www.cdc.gov/vaccines/hcp/vis/index.html>.

FEDERAL REGISTER June 5, 2015
Page 32127

NIOSH/CDC: New List Of Hazardous Drugs In Healthcare Settings.

On May 28, 2015 the US National Institute for Occupational Safety and Health (NIOSH) and the US Centers for Disease Control and Prevention (CDC) announced the availability of a document in draft form titled *NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings: Proposed Additions to the NIOSH Hazardous Drug List 2016*.

According to the announcement, the draft document is intended only to communicate NIOSH's and the CDC's latest recommendations and does not have the force and effect of law.

The 2016 list of proposed additions is posted at <http://www.nursinglaw.com/CDC052815.pdf>.

The 2014 list of hazardous drugs to which the 2016 additions are being added is posted at <http://www.nursinglaw.com/NIOSH2014.pdf>.

The original 2004 guidance document is posted at <http://www.nursinglaw.com/NIOSH2004.pdf>.

FEDERAL REGISTER May 28, 2015
Pages 30463 - 30464

Arbitration: Facility Used Obsolete Legal Forms, Court Orders Jury Trial Of Malpractice Lawsuit.

When the patient was admitted to the hospital a family member signed an arbitration agreement on her behalf.

There was no question the patient's power of attorney gave the family member full legal authority as attorney-in-fact to sign an arbitration agreement.

After the patient's death, the same family member as personal representative of the patient's probate estate sued the hospital for alleged negligence leading to her wrongful death from her treatment at the hospital.

The lawsuit demanded trial by jury. The hospital's first line of defense was to petition the court to order the case into binding arbitration, rather than jury trial, based on the arbitration agreement signed on the now-deceased patient's behalf by her attorney-in-fact.

As consideration for the family giving up the patient's right to jury trial, the facility offered arbitration as a preplanned, efficient dispute resolution process.

That consideration cannot be provided to the family as was offered, due to the facility's use of obsolete legal forms from an organization that no longer provides healthcare arbitration services.

DISTRICT COURT OF APPEAL
OF FLORIDA
June 17, 2015

The District Court of Appeal of Florida declined to order arbitration and ruled that the case was appropriate for jury trial as requested by the estate.

In 2011 the hospital was still using a set of legal forms which called for arbitration to be conducted by and under the rules of an organization which stopped offering consumer arbitration services in 2008 after being investigated and sued for consumer fraud by the attorney general of another state.

The Court said it still conceivably could come up with a set of procedural rules and select someone to conduct an arbitration hearing.

However, the Court refused to do that and blamed its decision on the hospital for knowingly using outdated and obsolete legal forms. ***Sheptak v. Transitional, __ So. 3d __, 2015 WL 3759531 (Fla. App., June 17, 2015).***