

Transfusion Medicine: Understanding Your Medical Legal Environment



Heart of America Association of Blood Banks

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Agenda

- How does clinical risk turn into a medical malpractice claim?
- Emerging Risks



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Clinical Risk



Definition of Sentinel Event

A sentinel event is a patient safety event (not primarily related to the natural course of the patient's illness or underlying condition) that reaches a patient and results in any of the following:

- Administration of blood or blood products having unintended ABO and non-ABO (Rh, Duffy, Kell, Lewis, and other clinically important blood groups) incompatibilities,⁷ hemolytic transfusion reactions, or transfusions resulting in severe temporary harm, permanent harm, or death¹



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Blood administration is high risk because

- 1) medical complexity
- 2) layers of patient care teams involved
- 3) risk of serious harm



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Incompatible Blood Transfusion Complication Lawyer

Attorneys For Patients Injured By Incompatible Blood Transfusions in Chicago, Illinois

According to the Agency for Healthcare Research and Quality, there are almost 3 million blood transfusions done each year in the U.S., averaging 1 out of 10 hospital stays.

Blood transfusions are a necessary and often life saving procedure, however, if handled improperly, it can also be deadly. Hospitals and medical facilities are expected to take extreme care when administering any type of blood product to their patients. The National Quality Forum has listed any error that happens involving **administration of incompatible blood products** as a "never event" that is completely preventable and should not ever occur in a healthcare setting.

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PRACTICE AREAS - MEDICAL MALPRACTICE - MEDICAL OR SURGICAL ERRORS - BLOOD TRANSFUSION INJURIES

BLOOD TRANSFUSION MISTAKES

TOP BALTIMORE MEDICAL MALPRACTICE ATTORNEYS

There's no doubt about it—blood transfusions provide life-saving benefits to those who need them. They may be used to treat a patient who has experienced blood loss due to injury or surgery. They may be necessary to treat conditions ranging from severe anemia and clotting disorders to hemophilia or sickle-cell anemia.

But, a blood transfusion is risky, and if precise safety standards are not adhered to, serious infections, diseases, or death could occur. If this has happened to you or a loved one, turn to the **medical malpractice** attorneys at Murphy, Falcon & Murphy. For more than 70 years, our firm has become a symbol of how the law can speak up for those who are injured and hurt by powerful institutions. If your injuries have gone unanswered by your healthcare providers, we can fight for you.

Seek Justice with our firm—call 410.983.6266 for a free legal consultation today.

WHAT CAUSES A BLOOD TRANSFUSION-RELATED INJURY OR

MEDICAL MALPRACTICE

Key Legal Information

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 - Improper Blood Transfusions »**

Improper Blood Transfusions

An estimated 5 million people will require a blood transfusion each year in the United States. Blood transfusions take healthy blood (or blood components) from a donor and gives it to a patient who needs additional. Transfusions are used to a treat a number of conditions, including emergency situations in which the patient has lost a large amount of blood. Blood transfusions may also be used for people with sickle-cell diseases, for infants with Rh incompatibility, or for the treatment of other blood-related illnesses. Doctors are

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Medical Negligence Elements

- 1) Duty
- 2) Breach
- 3) Causation
- 4) Damages

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1. Duty

Duty to act within the *standard of care*

“what would a reasonable healthcare provider do under the same or similar circumstances?”



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Standard of Care Sources

- HAABB
- AABB
- TJC
- FDA/CLIA/CMS



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2. Breach of the Duty (Standard of Care)

- Expert testimony
- Internal policies and procedures

**Blood Bank &
Transfusion
Medicine Expert
Witness | California**



EXPERT QUALIFICATIONS

This highly qualified expert has spent over 50 years working in blood banking and transfusion medicine. He earned his M.D. from UCLA, where he also completed his internship. The expert finished his residency in medicine in the San Francisco area, at UC Hospitals and San Francisco General Hospital. He is Board Certified in Internal Medicine and Blood Banking, and he is licensed in California and New York. The expert previously served as the Medical Director and Chief Executive Officer at BloodSource, a multi-location blood bank in California, from 1983 until 2004. He was also a Clinical Associate Professor of Pathology at Uniformed Services University of Health Sciences and Georgetown University School of Medicine; he continues to teach at a university in California. The expert is a member of the American Association of Blood Banks and a Past President of the International Society of Blood Transfusion.

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3. Causation

Did the breach of the Standard of Care directly cause or contribute to cause harm to the patient?

Examples:

- 1) Patient's room number used to identify samples or transfusion units—not unique patient identifiers
- 2) Failure to get informed consent for a transfusion

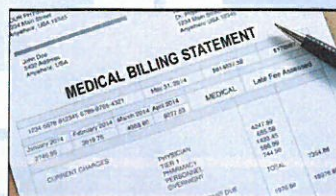


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4. Damages

Economic (past and future)

- Medical bills
- Lost wages
- Loss of household services



Non-economic

- Pain and suffering
- Loss of consortium
- Caps for medical negligence:
 - Missouri \$442,574/\$774,504 (catastrophic)
 - Kansas was \$325,000 but since 2019 there is none*

Punitive

- Willful or reckless



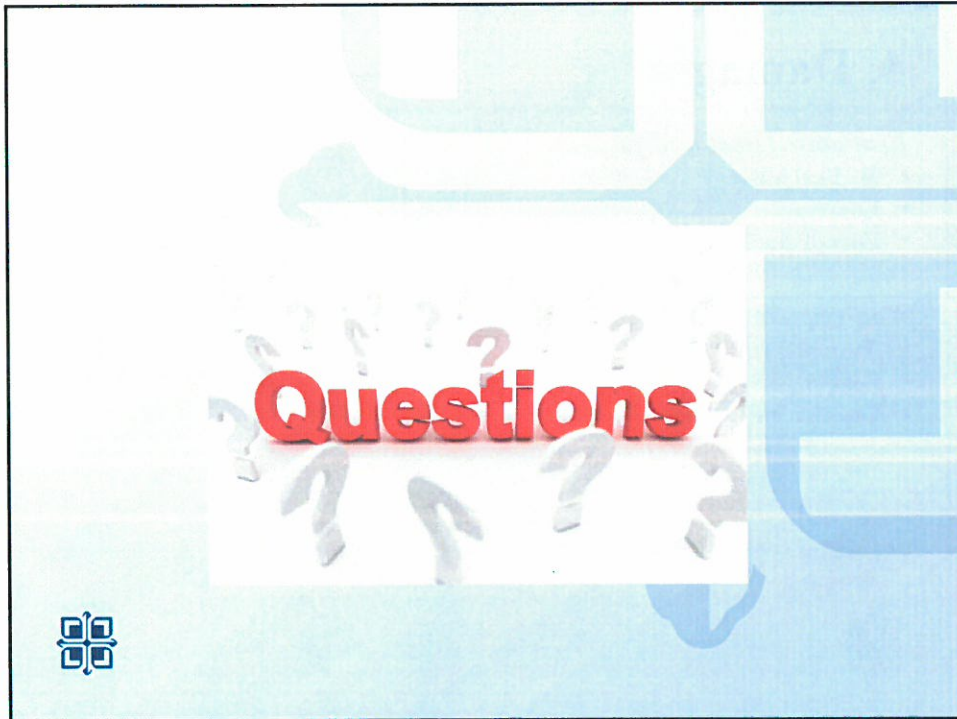
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Emerging risks

- Telemedicine/E-Consent
- Novel therapies: convalescent transfusion
- Artificial Intelligence



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