

Appellate Court Upholds Multi-Million Dollar Decision Against Walgreens for Negligence

Pharmacy gave patient ten times the prescribed dosage of blood thinner, resulting in massive stroke.

On March 1, 2010, SDSBS attorneys **Chris Searcy** and **Karen Terry** announced that the Second District Court of Appeal in Lakeland, Florida, upheld a multi-million dollar decision on behalf of a Florida woman who died as a result of a prescription error by a Walgreens pharmacy technician and pharmacist. Plaintiff Beth Hippely, her husband Deane Hippely, and their children, originally filed suit against Walgreens for negligence and wrongful death after Mrs. Hippely suffered a massive stroke due to a misfilled prescription. In 2007, a jury from the Tenth Judicial Circuit Court in Polk County awarded the family \$25.8 million because of the defendants' negligence. (See the complete story in *Of Counsel*, Vol. 7 No. 3, at www.searcylaw.com.) Walgreens appealed the lower court's verdict primarily on grounds of excessiveness and comments made during closing argument. The appellate court found that the lower court and jury acted properly and affirmed the verdict. Walgreens now owes the family the verdict plus costs and interest, a total \$33.6 million.

Beth Hippely, a 42-year-old mother of three, was being treated for breast cancer in 2002. Doctors gave her an 88% chance of survival. She endured chemotherapy treatments requiring a blood-thinning medication called Warfarin (generic Coumadin) in 1 milligram dosage. Tragically, the 19-year-old pharmacy technician, with little training, experience, or supervision, misfilled the pre-

scription and gave Mrs. Hippely ten times that dosage. She suffered a cerebral hemorrhage resulting in permanent neurological damage and painful rehabilitation. Unable to continue aggressive treatment for her cancer, it spread, and she died before the jury's verdict.

"Beth Hippely died unnecessarily because the tenfold overdose, filled by the pharmacy she trusted, made it impossible to combat the cancer that killed her," said Chris Searcy. "The negligence in this case went well beyond simple human error. There was egregious failure to manage and supervise." "Walgreens calls itself 'The Pharmacy America Trusts,'" said Karen Terry. "Tragically, the sufferings of Beth Hippely, her husband, and her children, prove otherwise."

In May 2008, as a result of the attention brought to this issue by Beth Hippely's death, the Florida legislature passed Senate Bill 1360, The Pharmacy Technician Act, requiring pharmacy technicians to register with the Florida Board of Pharmacy, to work under the direct

supervision of a pharmacist, and to be at least 17 years of age. Technicians will also be required to complete 20 hours of continuing education in pharmaceutical procedures prior to the biennial renewal of their registration. ♦



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