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ICN condemns the criminalisation of medical errors after nurse found guilty of negligent homicide

Geneva, Switzerland, 30 March 2022 – The International Council of Nurses has condemned the criminalisation of medical errors after a United States nurse was found guilty of causing criminally negligent homicide by administering an incorrect drug.

Former Tennessee intensive care nurse RaDonda Vaught, who made a drug administration error in 2017 which killed 75 year-old patient Charlene Murphey, was found guilty of criminally negligent homicide and impaired adult abuse.

Instead of administering the sedative Versed (midazolam) Ms Vaught gave Vecuronium Bromide, a skeletal muscle relaxant used in anaesthetics. She will be sentenced in May and faces up to six years in prison.

Speaking after the ruling, ICN President Dr Pamela Cipriano said that criminalising Ms Vaught's mistake raises grave concerns and could erase years of progress to improve patient safety.

Dr Cipriano said: "ICN has worked closely with the World Health Organization on developing the current Global Patient Safety Action plan, which recognises that a safe organisation is one where there is a no-blame culture of openness and transparency.

'It is vital to recognise the effects of system failures whenever such tragic errors occur, because patients will not be made safer by criminalising nursing errors and scapegoating individuals.

'This ruling risks being a significant backward step for the advancement of patient safety globally, and could also drive nurses to leave the profession given the fear of prosecution for an honestly declared mistake. Patient safety is about learning and continuous improvement, and this ruling potentially stands in the way of that. You cannot build a culture of trust in healthcare while nurses have the threat of individual criminal prosecution hanging over them if they were to make an honest error.'

The American Nurses Association (ANA) issued a statement describing its distress at the verdict and the "harmful ramifications of criminalising the honest reporting of mistakes."

The ANA went on to say that healthcare is complex, mistakes are inevitable, and systems will fail, and to think otherwise is "unrealistic."

It said the verdict sets a dangerous precedent and that there are more effective and just mechanisms to "examine errors, establish system improvements and take corrective action."

The ANA said the ruling would have a long-lasting negative impact on the profession, which is already short-staffed, under intense strain and facing huge pressures.

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Note to Editors

The **International Council of Nurses** (ICN) is a federation of more than 130 national nurses associations representing the millions of nurses worldwide. Operated by nurses and leading nursing internationally, ICN works to ensure quality care for all and sound health policies globally.

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