

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

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Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

Medical Negligence - The plaintiff (a diabetic undergoing a colonoscopy who suffered a low blood sugar event because she hadn't eaten that day in advance of the procedure) was given an IV medication (it's caustic) to address that event – there was proof the IV leaked into the plaintiff's arm and she sustained a permanent carpal tunnel injury and ulnar entrapment – a Covington jury valued the plaintiff's pain and suffering at \$1,000,000

Salyers v. Tri-State Gastroenterology, 20-1188

Plaintiff: Lindsay A. Lawrence and Charles M. Rittgers, *Rittgers & Rittgers*, Cincinnati, OH

Defense: Judd R. Uhl, Kate L.

Kennedy and Aimee E. Miller, *Lewis Brisbois*, Lexington

Verdict: \$1,000,000 for plaintiff

Court: **Kenton**

Judge: Patricia M. Summe

Date: 2-16-23

Sharon Salyers, age 65 and a nurse administrator at a local school, underwent a colonoscopy on 9-9-19 at Tri-State Gastroenterology. It was performed by Dr. Michael Jones. In the lead-up to the colonoscopy, Salyers had not eaten that day. She's a diabetic and as the colonoscopy was to begin, her blood sugar

dropped to a dangerously low level.

The nursing and CRNA staff at Tri-State Gastroenterology appreciated this and began an IV in Salyers' arm of a medication known as D-50. It is essentially a 50% Dextrose glucose solution. The drug is known to be very caustic.

The colonoscopy went on without event. Following the colonoscopy Salyers made reports of pain in her arm near the area of the IV. Those pain complaints were not recorded in the medical record.

Salyers returned to an ER the next day with increased pain in her arm and hand. It was discovered there was a leak of the D-50 at the site of the IV. Salyers underwent an emergency surgery (carpal tunnel and ulnar) release and then was hospitalized for a week. The injury was related to the D-50 leakage.

Thereafter Salyers underwent months of physical therapy. Despite that intervention Salyers has suffered from a permanent injury. It was identified as a permanent carpal tunnel syndrome, ulnar entrapment and residual weakness in her hand.

Salyers sued Tri-State Gastroenterology and alleged negligence by its nursing and CRNA staff in improperly administering the D-50. It was argued that instead of using an IV bolus, the medication could have been provided more safely via an injection. There was also a criticism that the Tri-State Gastroenterology staff did not respond to Salyers' complaints of pain while she was still at the office.

The plaintiff's liability experts were

Dr. Brian McAlary, Anesthesia, Culpepper, VA and Lynn Hadaway, RN, Milner, GA. A third expert, Dr. Jonathan Paley, Orthopedics, Dayton, OH, confirmed the injury. The plaintiff's medical bills (not sought) were \$59,615. She did claim damages in two categories, past suffering of \$5,000,000 and \$10,000,000 more for in the future. Her husband (Walter) sought \$2,000,000 for his consortium interest.

Tri-State Gastroenterology replied that the blood sugar event was an emergency and the staff acted appropriately in administering the D-50 via an IV. It also raised a fact dispute, namely, that Salyers had not made a complaint of pain at their office. Thus there was no evidence of extravasation at the time of the colonoscopy.

Tri-State Gastroenterology further described that Salyers' injury was a complication of the IV that occurred in the absence of any negligence. It also diminished the claimed injury. The defense experts were Dr. Michael Murphy, Anesthesia, West Palm Beach, FL and Heather Ratliff, RN, Columbus, OH.

The jury's verdict was for the plaintiff that Tri-State Gastroenterology both violated the nursing and CRNA standard of care and that the violation proximately caused the injury to Salyers. The jury awarded her \$700,000 for past suffering and \$300,000 more for in the future. The jury rejected the husband's consortium claim.

The verdict for Salyers totaled

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