

Preventing the Criminalization of Medical Errors (TX HB 2190/SB 2380)



The increasing application of criminal law to medical errors poses a serious threat to the healthcare workforce, undermining decades of progress aimed at fostering transparency and safety in healthcare settings. Just as car manufacturers can halt production to address system errors, healthcare providers must be able to report issues without fear of criminal repercussions to ensure safety for all.

In 2017, a Tennessee nurse, RaDonda Vaught, administered the wrong medication due to a malfunctioning medication dispensing system, leading to a patient's death. Initially deemed an accident by the Tennessee Board of Nursing, the case later escalated, resulting in Vaught's arrest and conviction for gross neglect of an impaired adult and negligent homicide. The case highlights the potential for prosecutors to interpret medical errors as a form of criminal conduct.

The prosecution of Vaught has drawn significant criticism from healthcare organizations, emphasizing the need for a culture of open reporting to enhance patient safety. Medical errors, while serious, are typically managed by professional licensing boards. The shift toward criminal justice involvement will likely deter healthcare professionals from reporting errors, ultimately compromising patient safety.

In response to such cases, Kentucky enacted a law granting immunity from criminal liability for healthcare providers under specific conditions, reinforcing the principle that medical errors should not be treated as criminal acts without aggravating circumstances. This law allows for accountability through professional licensing rather than the criminal justice system for medical errors. It does not change the application of criminal law to intentional acts or criminally negligent acts.

Texas should emulate Kentucky's legislation by reinforcing the practice of managing medical errors through state licensing boards. This would instill confidence among healthcare professionals, encouraging honest reporting of errors without the fear of criminal consequences.

The recent trend towards criminalizing medical errors threatens the foundational efforts to improve patient safety in healthcare. By codifying existing frameworks for addressing these errors, Texas can ensure a supportive environment for healthcare professionals while prioritizing patient safety.

