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## \$1.5M awarded in overdose lawsuit against CVPH

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---- — PLATTSBURGH — A jury has awarded \$1.5 million in damages to the estate of a Peru man who died in 2011 when a CVPH Medical Center nurse gave him a fatal dose of morphine.

John Solari, 94, of Peru died on Aug. 1, 2011, from complications from the overdose.

The unanimous vote specified that \$800,000 of the money is punitive damages.

### ‘DIDN’T FOLLOW PROCEDURE’

On July 29, 2011, a nurse new to the sixth-floor nursing-home unit of the hospital where Solari lived mistakenly identified him as another patient and gave him that person’s medicine, said attorney Sean Doolan of Doolan, Platt and Setareh, a firm based out of Windham that focuses on cases involving the elderly in long-term-care facilities.

“She didn’t follow the right procedures for giving the medication,” Doolan said.

### FILLING IN

A nurse who worked on the floor had called in sick that day, he said, and the other nurse was filling in.

The floor used a paper system for administering medication instead of an electronic system like the other floors at CVPH, and the nurse, not being familiar with the paper system, fell behind in her duties, Doolan said.

“She was rushing, and she was supposed to either have somebody tell her who the resident is ... or compare the photo that’s in her chart directly with the person that’s in front of her,” he said.

“She didn’t do either of those ... She said she looked on his wristband for his name, but there was no name on his wristband.”

Then the nurse asked Solari if he was the other person and Solari, having dementia, said he was, Doolan said.

He was given the controlled-release morphine in applesauce, the lawyer said.

“They tried very aggressively to save his life,” Doolan said.

### ‘HOSPITAL DISAPPOINTED’

“CVPH Medical Center is disappointed with the verdict and is reviewing the matter further with legal counsel,” CVPH officials said in a statement to the Press-Republican.

“CVPH strives to provide the highest quality of care every day, and we take this matter very seriously.

“But we feel confident that as the case undergoes further judicial review, the verdict will be appropriately reduced.”

### CHANGE URGED

Solari is survived by his daughter, Carol Ruscoe of Peru.

“The issue wasn’t the large settlement. The issue for me was accountability,” she said. “Nobody would admit accountability for my father’s death.”

She said she has not received an apology from the hospital administration for what happened to her father, and she doesn’t expect they will extend one to her.

The nurse was not fired and still works at CVPH, Ruscoe said.

Doolan said the hospital’s next step would be to file a motion with the judge to see if the damages could be reduced.

“I just hope that they (CVPH) recognize that more than half of that verdict was in the form of punitive damages, which means that jury was trying to send them that message,” he said.

“I hope this verdict brings about change.”

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