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April 18, 2003



Family tells of tragedy following fatal injection

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By APARNA
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HEALTH WRITER

EAST
BRUNSWICK:
Catherine Fulton
describes watching
her husband die as
"the nightmare
weekend."

Richard Fulton, 49,
knew his days were
numbered after
officials at Saint
Peter's University
Hospital in New
Brunswick told him
he had been injected
improperly with a
chemotherapy drug
meant to be
administered
intravenously,
according to a
malpractice lawsuit
filed by the family's
attorney yesterday
in Superior Court,
New Brunswick.

The lawsuit claims
the drug,



Courtesy of Fulton family

Richard and Catherine Fulton with
their children, Ryan and Katie.



JASON TOWLEN/Staff
photographer

Catherine Fulton, center, wept
during a press conference yesterday
announcing a malpractice lawsuit
against Saint Peter's University
Hospital. Fulton was flanked by her
sister, Diane Dumne, left, and her
attorney, Ronald Goldfaden.



Vincristine, was injected in the spinal area.

At a press conference yesterday at the Brunswick Hilton, the widow and attorney Ronald Goldfaden recalled Fulton's "heroic and heartwrenching death."

One by one, Fulton's bodily functions shut down -- he lost his hearing and his gag reflex, and finally even the ability to swallow.

Knowing Richard had days to live, the couple renewed their wedding vows. The Jackson man summoned his children -- 12-year-old Ryan and 4-year-old Katie -- and hugged and kissed them goodbye.

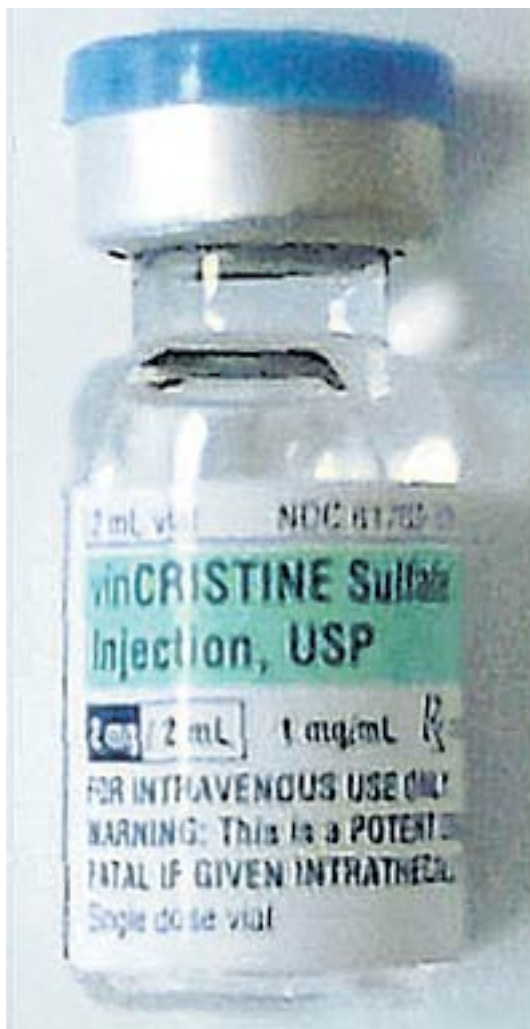
"My children have not and cannot adjust to this," Catherine Fulton said yesterday. "They need their father every day and he's just not there."

In his last days, Richard Fulton



Courtesy of Fulton family

Richard Fulton with Ryan, 12.



meticulously spent time with visitors, whom he beseeched to look after his family and remember him.

Fulton died on July 29, 2002, four days after the fatal injection, according to the lawsuit.

He died accepting what was happening to him, drawing upon the spiritual strength that was second nature to him as a special-needs and religion educator in Monmouth and Ocean counties, according to his widow.

The lawsuit charges Saint Peter's and hospital-affiliated radiologist Dr.

Randall Siegel with responsibility for Fulton's death. Goldfaden would not say what damages were being sought.

Goldfaden said the drug was injected in Fulton's spinal area despite clear labeling that warns the drug must only be injected intravenously and is fatal when injected in the spine.

He displayed photos of the used syringe with a yellow tag marked with Fulton's name and the warning.

"There are only 14 reported instances this has ever occurred," said the Chatham attorney, citing medical literature. "In each case, the patient died."

Despite clear and multiple warnings on the carton, drug

Courtesy of Fulton family

The bottle of Vincristine that was improperly used and resulted in Fulton's death.



JASON TOWLEN/Staff
photographer

Attorney Ronald Goldfaden with a plastic sheathing made for a syringe of Vincristine, which clearly states the drug is for IV use only and is fatal if injected intrathecally, or spinally.

Another Case

- [A Morris County man died after a similar mistake.](#)

ampul and syringe, Siegel injected the drug in Fulton's spinal area, Goldfaden said.

"No layman would have made the mistake he (Siegel) made. This is the most egregious example of a medical malpractice case I have seen in 26 years" as an attorney, Goldfaden said.

Saint Peter's yesterday released a statement expressing its sympathy for the victim's family and saying it acknowledged from the beginning that the tragedy occurred.

"The family was advised in full, in concert with the private attending physician at the time of the incident," the statement read. "We do not wish to further sensationalize the family's tragedy."

A hospital spokesperson would not comment on whether the doctor continued to practice at Saint Peter's.

According to Goldfaden, he has attempted for five months to settle the matter "expeditiously and discreetly" with the hospital, doctor, their lawyers and insurers, but that he has been "stonewalled," forcing him to file suit on behalf of the widow and her children.

At yesterday's news conference, Catherine Fulton wept as she recalled her husband's swift, painful death.

"I don't want any family to experience the pain I am going through," she said. Married 18 years, she described husband as the best friend who "finished my sentences."

She said the hospital has not been forthcoming with information on what led to her husband's death, or what remedial measures had been taken.

"By keeping this all secret, history repeats itself," she said. "The protocol needs to be changed."

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Another also died by medical mistake

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By PEGGY WRIGHT
GANNETT NEW JERSEY

Mount Olive Police Chief Charles Brown felt in October 1999 like he had "dodged a bullet," believing at age 57 that he was on his way to swift remission after he was diagnosed with Burkitt's leukemia.

Brown's expectations were fatally altered -- he died Christmas Day 1999 a paralyzed man who was barely able to swallow -- after medical personnel at Morristown Memorial Hospital on Oct. 11, 1999, admittedly injected the wrong chemotherapy into his spine.

A civil trial on medical malpractice claims made by Brown's widow, Susan, opened yesterday before Superior Court Judge Stephen F. Smith Jr. in Morristown. Morristown Memorial's protocol and procedures will be scrutinized by jurors, along with the actions of Dr. Matthew Conigliari, a neurologist, and registered nurse Denise DiFrancesco.

Attorney Michael Bubb, who represents the hospital, conceded to jurors that "a hospital breakdown" occurred in which Brown received an injection of Vincristine in his spine when it should have been given intravenously.

But Bubb said he will present testimony from experts that Brown, even if the mistake never occurred, was not expected to live long with the diagnosis of Burkitt's leukemia, a disease in which abnormal and immature white blood cells overtake production of healthy cells and the ability to fight infection. Bubb told jurors that a person of Brown's age had a 20 to 30 percent chance of surviving



the disease.

"You will need to evaluate how ill he was and his life expectancy," Bubb said, referring to any damages awarded Brown's estate.

Attorney Gary W. Moylen, who filed the lawsuit on behalf of Brown's widow and the chief's estate, strongly disputes the grim life expectancy advanced by Bubb, and said in legal papers that the chief had hoped to return to work by December 1999.

Brown had undergone treatment for leukemia since July 1999. On July 21, a bone marrow biopsy showed his bone marrow was almost completely packed with leukemia cells. His response to treatment was "excellent," according to Moylen, and a Sept. 30, 1999, biopsy showed no leukemia cells.

Treatment to keep him in remission continued, and he was due on Oct. 11 to receive two chemotherapy applications: an intravenous dosage of Vincristine and a spinal injection of Methotrexate and hydrocortisone. Though the separate drugs were properly labeled, DiFrancesco is accused of passing Conigliari the Vincristine that he injected into Brown's spinal canal, allegedly without first double-checking which drug he was administering.

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One hospital-malpractice suit settled

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By PEGGY WRIGHT
GANNETT NEW JERSEY

A medical malpractice lawsuit was settled yesterday for an undisclosed sum between Morristown Memorial Hospital and the estate of former Mount Olive Police Chief Charles Brown, who died in 1999, 10 weeks after he was injected with the wrong chemotherapy medication.

The settlement with the Brown estate abruptly ended a civil trial that began Wednesday in Superior Court, Morristown, against the hospital, neurologist Dr. Matthew Conigliari and registered nurse Denise DiFrancesco.

Susan Brown, the chief's 30-year companion who married him shortly before his death on Christmas Day 1999, was too upset to comment but her attorney, Gary W. Moylen, said she accepted the terms.

On Wednesday, Saint Peter's Hospital in New Brunswick was sued by the family of Richard Fulton, who was also improperly injected with intravenous drug Vincristine at the hospital.

The lawsuit claims radiologist Dr. Randall Siegel injected the chemotherapy drug into Fulton's spine on July 25, 2002, and charges the hospital and Siegel with responsibility for the Jackson man's death four days later.



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Charles Brown
Killed by faulty
chemotherapy
injection



Saint Peter's publicly acknowledged that an error had occurred, but the Fultons' attorney, Ron Goldfaden of Chatham, said settlement talks broke down and the family opted to file a lawsuit.

On Oct. 11, 1999, Chief Brown was undergoing a phase of treatment for Burkitts leukemia at Morristown Memorial when Conigliari mistakenly but admittedly injected him in the spine with the drug Vincristine, instead of Methotrexate and hydrocortisone.

Had the trial proceeded, jurors would have been asked to assess Brown's life expectancy as a man with leukemia and put an economic value on it, as though the fatal injection had not occurred. The estate also sought compensation for the pain and suffering he endured.

The Vincristine was to be administered intravenously, and is nearly always fatal if delivered through the spine. The nurse who handed the medication to Conigliari realized the error within seconds and physicians were rushed in to drill holes in Brown's skull and spine to drain the Vincristine from his spinal fluid. But the damage was irreversible.

The 57-year-old police chief who believed he was in remission from leukemia but continuing treatment suffered rapid paralysis and pain over the next 76 days and died at home, barely able to swallow or speak. His ability to breathe on his own had ended and he died of Vincristine neurotoxicity, or poisoning.

Lawyers for the hospital and neurologist did not return a reporter's phone calls yesterday, but hospital spokeswoman Kim Accardo said that more oversight procedures have been implemented since Brown's death to reduce any risk of mix-ups with Vincristine injections.

They include having at least two medical personnel present to verify the proper drug before its administration, and multiple, redundant labels on drug packaging.

Yesterday, Goldfaden -- who represents Fulton's wife Catherine in the Saint Peter's lawsuit -- welcomed news of the settlement in Morris County.

Pointing out Richard Fulton died less than three years after the incident at Morristown Memorial Hospital, Goldfaden said, "I'm flabbergasted that the hospitals and doctors have not learned yet that they must have special procedures for

this medication."

Dr. Michael Cohen, president of the Institute for Safe Medication Practices, a nonprofit research institute in Pennsylvania that is partnered with the American Hospital Association, said ISMP has been warning practitioners about the safe administration of Vincristine for years because an agonizing death is nearly always the outcome when an error occurs.

The ISMP referred to the Brown case in its April 5, 2000, newsletter to the health-care community, and repeated multiple safety recommendations, including a ban against all but the proper injectable drug from rooms where lumbar, or spinal, punctures are performed.

Vincristine has been around since the 1960s to treat leukemia and lymphoma, and there are countless successful administrations of the drug that occur every day in hospitals and outpatient centers, Cohen said. But there have been at least 20 reported deaths from its improper administration, he said.

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