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LEGAL NOTES AND NEWS – WINTER 2014

How Many Persons Are Harmed Each Year From Medication Errors?

More than 1.5 million people every year are harmed due to medication errors according to a report by the Institute of Medicine. The costs of harm from such medication errors is estimated to be \$77 billion annually (*Preventing Medication Errors*, National Academies Press: 2007:124-5). Common types include the wrong medication prescribed due to incorrect diagnosis, poor drug distribution practices, inadequate communication to the patient, and dispensing errors.

Park District Golf Course Entitled to General Grant of Immunity

In regards to Civ. R. 12(C), the 1st Appellate District held that a county park district was entitled to a general grant of immunity under R.C. 2744.02 (A)(1) where a golfer was injured on the park district's golf course. *R.K v. Little Miami Golf Center*, 2-13-Ohio-4939.

FMCSA Makes Investigating Trucking Companies Easy.

The handling of a big truck accident case is more involved than a car accident. Using the DOT #, get a “company snapshot” at <http://www.saferys.org> ; get the carrier's safety performance at <http://ai.fmcsa.dot.gov/sms>.

Congratulations!

To Hon. Robert Ruehlman, Hamilton County Common Pleas Court, who was recognized as the SWOTLA Trial Judge of the Year on Dec. 7, 2013 at The Westin.

Employer Found Not Negligent for Unforeseeable Sexual Assault By Employee

In an action for, inter alia, negligence, the 1st Appellate District held trial court did not err in dismissing case against a hospital that employed phlebotomist who sexually assaulted a patient where the assault was not foreseeable and did not further the business of the hospital or employer. *Evans v. Thrasher*, 2013-Ohio-4776.

Removal of Machine Interlock Switch May Create Rebuttable Presumption of Employer Intention to Injure.

In *Downard v. Rumpke of Ohio, Inc.*, 2013-Ohio-4760, the 12th Appellate District held that in an employer intentional tort action, the trial court erred in directing a verdict that an interlock switch on an industrial machine was not an “equipment safety guard,” and, that its removal did not create a rebuttable presumption that the employer intended to injure the worker. R.C. 2745.01(C.).

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