

Why Ya in Such a Rush There, Sparky?

By Allan J. Schwartz, CRNA, DDS

Can you imagine Jack Nicholson saying the words, "So, a, why ya in such a rush there Sparky?" with his unmistakable voice? Let those words reverberate in your head as you read this article.

This past year I had the chance to serve as an expert witness for a wrongful death trial involving a CRNA. It involved terrible circumstances, a horrible outcome for the patient, and tragedy for many families and a small rural community. It embroiled the CRNA in nightmarish days, weeks, months, and years as the trial approached. The trial came and went in only a short week's time. But there was a parade of people and things: hungry prosecuting attorneys, defense attorneys, expert witnesses, news reporters, the patient's family members, the CRNA's family members, co-workers, neighbors, witnesses, a judge, a jury, and boxes and boxes of neatly filed papers and exhibits all packed into the mahogany paneled courtroom.

Any CRNA with even a crumb of morality and ethical responsibility will have burning memories and many a sleepless night plaguing them and their loved ones for the rest of their life, long after the legions of people involved in the trial have gone.

Is it worth it?

Let me paint a more vivid picture for you now.

The attorneys had been hard at work before the first day of testimony selecting jury members and alternates from the community. After jury selection, people file into the courtroom at the start of the trial. Attorneys, expert witnesses, families, and coworkers sit on either the plaintiff or the defendant sides of the courtroom, with a great aisle in between, like the seating at a macabre wedding ceremony.

We all rise as the judge enters the courtroom, and again as the jury enters. The trial begins with opening statements from both sides. Then the plaintiff's attorney pleads their case, using simple terms always in a teaching manner to the jury. The CRNA's original chart and relevant paper work are magnified and printed onto giant poster boards marked as exhibits, so that every part of the charting can be dissected microscopically to show the jury one's faults and errors. This will also leave questions and doubts in the CRNA's judgment and thought processes at the time of the horrible incident. These questions and doubts will be brought to the judge and jury's attention, right in front of the CRNA's face when on the

witness stand. You must answer plaintiff's questions regarding your judgment and thought processes for all to hear. If the plaintiff's attorney believes you are in error of a standard of care, extensive numbers of repeated and rephrased questions will be asked, coming from many angles, so that your recurring error is pointed out unmistakably to the jury. Each error is carefully dissected out this way.

Now consider this, you get to not only live through the event in real time, but you get to relive the event now in the courtroom with your family, coworkers, members of the community, and news media covering your trial for all to read, hear, see, and talk about. You have to take extensive time off from work for the trial, but before that you had to take time off for oral depositions you will be required to make, and preparatory work with your attorneys. Additionally, your coworkers who were involved in the incident, may also get to be involved with all of the above.

You are on display. You are alone. Questions will arise about the drugs used for the patient, as well as all of your anesthetic judgments and techniques. Your mistakes, lack of judgment, thought processes, and feelings at the time are all prominently bared for all to witness, for judgment to eventually be made on you! You are microscopically scrutinized and then grilled on the witness stand.

So what do you do?

- a. You must have each and every non-emergent patient you are seeing tuned up and ready for your anesthetic.
- b. You must have a logical and reasonable anesthetic plan for the patient.
- c. You must make accurate, clear, and careful notes on your anesthesia chart.
- d. You must be aware of the standards of care for your community.
- e. If you have a mishap, and **we all do**, you must follow a path that a reasonable CRNA would have used under the same circumstances.
- f. You must not be in a rush. You will forget things, shortcut, and make mistakes. Do you notice that not one of those supervisors or surgeons pushing you to, "produce to move the schedule along" will be sitting at your side on the witness stand if you messed up?

So, the next time a supervisor or surgeon wants to rush you and your patient into a non-emergent procedure for which you or the patient are not ready, you gotta ask yourself, "So why ya in such a rush there, Sparky?"