Nurse At Botched Ohio Transplant Sues Over Firing

Julie Carr Smyth, Associated Press

A veteran nurse present during a botched kidney transplant at an Ohio hospital last summer has sued for wrongful termination.

The lawsuit filed Friday in Columbus seeks $25,000 for Melanie LeMay, a nurse suspended then fired after a different nurse accidentally threw away a viable kidney as medical waste during the procedure last August.

After the error, the hospital apologized and put an administrator and two nurses on paid leave. LeMay alleges her subsequent termination was based on violating policies and procedures that didn't exist on the day of the operation.

The 30-year employee of the hospital to alleges that operating room policies that hospital administrators turned over to investigators from the Department of Health and Human Services had an effective date of Aug. 16 — six days after the surgery.

An investigative report on the incident indicated no policy or procedures other than those dated Aug. 16 were presented to investigators as in place on the day of the failed procedure.

The suit states the other nurse failed to log out of the hospital computer system when she went on break, which required LeMay to make entries under that nurse's chart. LeMay said the second nurse did not ask for a status update on the transplant or the patient when she returned from lunch and proceeded to remove the kidney from the room and dispose of it.

LeMay says she did not see the items being removed nor know the other nurse had removed them. She was fired for violating policies on communications, logging out, and failing to stop the other nurse from removing items from the operation room before the procedure was concluded, the suit states.

University spokesman Tobin Klinger declined comment Saturday. "It would be inappropriate for us to comment on pending litigation," he said.

Besides the personnel actions, the hospital voluntarily suspended its kidney transplant program from August to December.

A report by a surgeon hired by the hospital to review its program called it "baffling" that the nurse would accidentally dispose of the viable kidney. At the same time, he found no problems with the systems that would have indicated the hospital was at risk for such a mistake. The nurse who threw out the organ resigned within weeks.

The family of the woman set to receive the kidney that day and her brother, who was her live donor, filed suit against the hospital last week alleging medical negligence and seeking $25,000 for each of eight plaintiffs.

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