

2 doctors named in suit over infections

By Jennifer Edwards Staff Writer | Posted: Friday, January 9, 2015 11:23 pm

TUSCUMBIA — Two local orthopedic doctors have been named in a lawsuit alleging failures at the physicians' office led to the infection of at least eight patients with staph infection.

The lawsuit was filed in Colbert County Circuit Court naming Dr. Paul Davis and Dr. Lee Nichols as responsible for infecting patients with methicillin-resistant staphylococcus aureus through a pain injection. The infection led to the death of one patient, the lawsuit alleges.

The patients bringing the lawsuit all received an injection containing bupivacaine, a numbing medication, to treat joint pain on Oct. 28 or Oct. 29, 2013, at Shoals Orthopedics and Sports Medicine in Muscle Shoals. The physicians' practice also has a location in Florence, but only the Muscle Shoals location is named in the suit. Four of the patients allege to have been treated by Davis and the other four were treated by Nichols, the lawsuit states.

Joel Williams, of the Birmingham firm Friedman, Dazzio, Zulas & Bowling, is representing Nichols, and Jay Juliano, of the Birmingham firm Parsons, Lee & Juliano, represent Davis. The firms collectively represent the physicians' practice.

The bupivacaine was given in conjunction with an additional pain medication, but was administered to each of the patients, according to court filings.

In a joint statement the representation said, "Dr. Nichols, Dr. Davis, and the staff of Shoals Orthopedics genuinely regret the unexpected problem that occurred. They promptly reported the matter to public health authorities and have cooperated with the investigation. Because of the litigation, we do not believe it would be proper to make any further statement outside of the court proceedings."

Methicillin-resistant staphylococcus aureus is a bacteria that is resistant to many antibiotics, according to the Centers for Disease Control. The bacteria can cause life-threatening bloodstream infections, pneumonia and surgical site infections, according to the CDC.

Each of the patients in the lawsuit sought treatment for pain, inflammation and fever in the emergency rooms of Helen Keller Hospital and Shoals Hospital in the days following the injection.

An infection preventionist at Helen Keller Hospital reported, on Nov. 4, 2013, to the Alabama Department of Public Health, that three patients had been admitted to the Sheffield hospital with injection-site infection after visiting the same orthopedic clinic.

The state health department investigated eight patient cases which received injections on Oct. 29, 2013, according to the investigation report published by the state health department.

The investigation found that staph infection was present in cultures from seven of the eight patients. The other had "no aspirate collected" but "imaging indicated infection."

The state investigation concluded that the infection was "likely caused by procedures that allowed for the contamination of the bupivacaine opened vial by facility staff."

The "adverse event" was also reported to the Food and Drug Administration, according to the state report.

The patients are seeking unspecified amount for injuries, exemplary damages "in an amount that will reflect the enormity of the defendant's wrongful conduct in causing the plaintiff injuries."

The lawsuit alleges the patients named were "caused to suffer," were "permanently injured," did and in the future will have to "expend sums of money in the nature of doctor, hospital, drug and other medical expenses, can not pursue many normal activities and have suffered mental anguish and emotional distress."
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