

Nardil —Antidepressant drug that Libby Zion was taking prior to her admission to New York Hospital. Its use along with Demerol can be dangerous, even fatal.

PDR —The Physicians' Desk Reference, a standard reference work used by physicians and other health personnel that contains information on drugs, drug interactions, side effects, and other topics. Luise Weinstein said she consulted the PDR when treating Libby Zion but did not read the part warning that Nardil should not be combined with antidepressants.

Percodan — Brand name for a combination of aspirin and oxycodone (related to codeine), used to treat moderate-to-severe pain. One of the drugs used by Libby Zion before her admission to the hospital.

plaintiff —A person who brings a legal action, such as a lawsuit. In *Zion v. New York Hospital*, the plaintiffs were Libby Zion's parents.

polypharmacy —The administration of many drugs together or the administration of excessive medicine. The defense contended that polypharmacy caused Libby Zion's death.

rigors —Another name for chills or shivering. The reason Libby Zion was given Demerol.

"Libby Zion Law" —A law passed in 1989 by which New York State regulated the amount of work hospital residents can do. Also known as the "405 Regulations." Subsequent investigations have determined inadequate enforcement of the law.

toxicology —The study of poisons and their effects.

Valium — Brand name of a medication in a class of drugs called benzodiazepines. Used to relieve anxiety, nervousness, and tension. One of the drugs taken by Libby Zion before her admission to the hospital.

Things to Think About

* As a result of Libby Zion's death, New York State became the only state to pass a law regulating the hours of hospital residents. Do you think other states should pass such a law? Might such a law constitute excessive government interference with the way hospitals operate? How might limiting the activities of resident physicians be harmful? What do you think should be the maximum number of hours a doctor should be on duty in a hospital emergency room?

* One of the defendants in the case later argued that the millions of dollars that went into it could have been better spent on a new cancer wing. Do you find this a persuasive argument? Do you think that excessive lawsuits may hinder the ability of health personnel to administer treatment?

* If Libby Zion in fact failed to inform the hospital of her drug use, including cocaine, what does this tell you about the importance of informing health personnel about drugs that you, or any patient, might be taking? What might be some good ways to ensure that such important information is provided? Should there be a national computer data base available only to health care personnel, providing information about people's prescription drugs? Do you see privacy or other problems with such a data base?

* Raymond Sherman, the Zion family physician, never went to see Libby Zion at the hospital. Do you think this was negligent

of him? Or, based on what he knew about her condition, do you think this was understandable?

* In what other fields of activity might sleep deprivation, as charged in the Zion case, be hazardous? What can you learn about the number of hours of sleep people of different ages require in order to function efficiently? Do you think you are getting enough sleep? If not, is there something you can do about it?

Internet Resources

<http://www.courttv.com/casefiles/verdicts/zion.html> — A brief summary of the case from Court TV.

http://www.nydailynews.com/1999-12-14/News_and_VIEWS/Opinion/a-50327.asp —Article by Sidney Zion on "killer hospitals."

<http://www.mja.com.au/public/issues/jun15/nocera/nocera.html#refbody13> — A discussion, which includes the Zion case, of sleep deprivation among doctors.

<http://mailman.mc.duke.edu/pipermail/occ-emv-med-l/2001-May/017096.html> — A thoughtful review from the New England Journal of Medicine of *The Girl Who Died Twice* (see Other Resources).

<http://tarlton.law.utexas.edu/dawson/safety/fatigue.htm> — A useful article on the problem of fatigue in the medical profession. <http://www.lectlaw.com/tmed.html> — A site with a host of information on such medical/legal issues as medical malpractice, standards of care, and litigation.

<http://www.mtsinai.org/pulmonary/books/house/legal.html> — An article on law and medicine with a good survey of the Libby Zion case.

<http://www.fansoffieger.com/moore.htm> — A profile of Tom Moore, Sidney Zion's attorney.

Other Resources

Asch D.A. and Parker R.M., *"The Libby Zion Case."*

New England Journal of Medicine, 1988; 318: 771-775.

Dement, William C., *The Promise of Sleep*. Delacorte Press, 1999. (Contains a discussion of the problem of sleep deprivation in the Libby Zion case)

Duncan, David Ewing. *Residents: The Perils and Promise of Educating Young Doctors*, Scribner, New York, 1996.

Hinkle, Warren. *Do No Harm: The Libby Zion Case*.

Argonaut Press, 1995.

Robins, Natalie. *The Girl Who Died Twice: Every Patient's Nightmare - The Libby Zion Case and the Hidden Hazards of Hospitals*. Delacorte Press, 1995.

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When we purchase a product or use a service, we have the right to expect that what we buy is safe. And yet defective products and harmful services are common—indeed, most of the cases in the courts today arise out of just such occurrences. And sometimes lawsuits over products and services result in cases that grip the public in a major way. These cases may attract attention because of the huge numbers of people involved, the novel areas of modern life they reflect, or simply the large amounts of money involved. LANDMARK CONSUMER RIGHTS TRIALS examines some of these unforgettable cases.

A HOSPITAL ON TRIAL ZION v. NEW YORK HOSPITAL

A Death in the Hospital

Libby Zion died in New York Hospital on the morning of March 5, 1984. That in itself is not an unusual fact—hospitals, after all, are the scene of many deaths. But Libby Zion was only 18, and when she entered the hospital the night before she was complaining of fever, an earache, and what seemed to be mild flu-like symptoms—nothing that sounded deadly.



In addition, Libby's father was a prominent New York journalist and not the type of person that was going to let the matter rest without an investigation. He came to believe that Libby's death was a preventable accident resulting from the administration of two drugs that should never have been combined—one of them a drug that Libby had been taking all along on her doctor's advice, and the other a drug given to her in the hospital by someone, Zion contended, who should have known better.

The hospital, on the other hand, argued that Libby had misinformed the hospital's health personnel about her drug use. Not only was she taking prescription drugs that she didn't reveal, but she had also used cocaine—and it was this that caused her death.

Was Libby Zion's death partly the fault of a dangerous lifestyle? Or was New York Hospital smearing her reputation in order to vindicate itself? Sidney Zion's lawsuit against New York Hospital raised not only these issues but also others. And the dispute by no means ended with the verdict.

The Issue: Are Doctors Overworked?

The main reason the Libby Zion case became so prominent was that it raised an issue that had been swirling around for some time. In many, if not most, hospitals it has been standard practice to require residents (newcomers fresh out of medical school) to work long, tedious hours and carry huge caseloads. One of the doctors who treated Libby Zion, for example, had already been working for 17 hours and had some 40 other patients to see that day. Not surprisingly, the plaintiffs in Zion v. New York Hospital charged that one reason for Libby's death was that physician fatigue led to error. The New York State legislature was impressed by this argument and subsequently passed a law regulating the hours that hospital residents could work. But New York was the only state to pass such a law, and, clearly, the issue remains a lively one today.

Important People

Andrews, Loretta — One of the jurors in the case. The sole dissenter from the verdict.

Balde, Myrna — Nurse who attended Libby Zion. She testifies that Libby's condition worsened after she was given Demerol.

Bensel, Frank — Attorney for New York Hospital and for the three doctors charged in the case. Lead counsel for the defense.

Bias, Len — Professional basketball player who died of cocaine-related cardiac arrest on June 19, 1986. His death was widely publicized as a warning that cocaine use could be deadly. The defense attorneys in Zion v. New York Hospital compare Libby Zion's case to his.

Crean, Peter — Attorney for New York Hospital and for the three doctors charged in the case.

Dubin, Janet — Jury foreperson in Zion v. New York Hospital.

Glickman, Robert — Standard of care expert who testifies for the defense.

Green, Mark — New York City Public Advocate who criticizes New York Hospital for overworking its residents. His report, which comes out as the trial is in progress, leads the defense to ask (unsuccessfully) for a mistrial.

Greene, Edgar — One of the jurors in the case.

TIMELINE

March 5, 1984 — Libby Zion dies at New York Hospital. She had been admitted shortly before midnight the night before.

June 1984 — Dr. Raymond Sherman, the Zion family physician, calls Sidney Zion and informs him that his daughter's death was the result of her being given drugs that didn't match, that it was a "fluke."

December 1986 — A grand jury investigating Libby Zion's death doesn't find cause for a criminal indictment of the physicians, but it does indict the way medical residents were trained at New York Hospital and elsewhere in New York.

1987 — New York Hospital issues a press release saying cocaine contributed to Libby Zion's death and compares her case to that of Len Bias (see Important People).

1987 — The New York State Health Department fines New York Hospital \$13 million for its substandard care of Libby Zion.

1989 — New York State passed the "Libby Zion Law" (see Vocabulary).

February 6, 1995 — The trial ends with the jury's verdict. They exonerate the hospital and find that Libby Zion contributed to her own death by ingesting cocaine. By a vote of 5 to 1, they award \$750,000 to the Zions for Libby's pain and suffering.

May 1, 1995 — The judge rules that the jury improperly heard evidence about Libby Zion's cocaine use and throws out the jury's finding that Libby Zion was 50 percent responsible for her death.

1997 — The defendants' motion to reduce the award to \$375,000 is approved.

Leonard, Maurice — Emergency room physician who treated Libby Zion. Co-defendant in the case.

Moore, Tom — Attorney for Sidney Zion.

Osborn, Harold — Doctor who testifies on the behalf of the plaintiff. He contends that errors were made by the attending physicians and that there was no evidence Libby Zion used cocaine.

Pittoni, Luke — Gregg Stone's attorney

Rieders, Fredric — Expert in toxicology (see Vocabulary) who testifies for the defense that Libby Zion tested positive for cocaine.

Sherman, Raymond — The Zion family physician. He advises Sidney Zion to take Libby to the emergency room. He doesn't visit the hospital himself but keeps in touch by telephone.

Simpson, George — Pharmacologist who testifies for the defense that Libby Zion was using five different prescription drugs.

Stone, Gregg — New York Hospital resident who treated Libby Zion. Co-defendant in the case.

Weinstein, Luise — Intern who helped treat Libby Zion. Co-defendant in the case. At the time of Libby Zion's death, she has been out of medical school for nine months and when she sees the patient she has already worked for 17 hours.

Wetli, Charles — Expert in forensic pathology (see Vocabulary) who testifies for the defense that Libby Zion's death was cocaine related.

Wilk, Elliot — The judge in Zion v. New York Hospital.

Winfield, Michelle — One of the jurors in the case.

Zion, Adam — Libby Zion's brother

Zion, Elsa — Libby Zion's mother

Zion, Libby — 18-year-old woman who was brought to New York Hospital in 1984 for what was thought to be a routine fever and earache but who died there eight hours later.

Zion, Sidney — Libby Zion's father. Prominent New York journalist.

Vocabulary

contraindication — Something that makes a particular treatment inadvisable. In Libby Zion's case, her use of Nardil made the administration of Demerol inadvisable.

Dalmane — Brand name of a drug used to induce sleep and cause relaxation. One of the drugs used by Libby Zion before her admission to the hospital.

Demerol — Pain-relieving drug that belongs to a class of drugs called narcotic analgesics. Given to Libby Zion at New York Hospital. Its use along with Nardil (see below) can be dangerous, even fatal.

erythromycin — An antibiotic used to treat many different types of bacterial infections. One of the drugs used by Libby Zion before her admission to the hospital.

forensic pathology — The study of diseases as they apply to legal issues.

MAOI (Monoamine Oxidase Inhibitor) — Name of a fairly new class of antidepressant drugs. Nardil is an MAOI.