

UNIVERSITY OF WYOMING
SCHOOL OF PHARMACY
PHCY 5670
MEDICATION MALPRACTICE, 2 CREDIT HOURS
SPRING, 2026

Asynchronous (Online) Delivery Through WyoCourses
This Course Meets Daily on the Discussion Board
Taught in Condensed Block Format
The Course Begins on February 1 and Ends on April 12

Instructor contact information: Professor David Brushwood, RPh, JD, FAPhA. Phone: 307 766-6120 E-mail: dbrushwo@uwyo.edu, Office: HS 292, your professor does not maintain an office in Laramie and electronic contact through some alternate means (Zoom or telephone) is required. Please feel free to contact the professor at any time. Email is the most efficient way to begin communication and to set up a private online meeting.

Office Hours: Sunday and Wednesday afternoons online, or at other times by appointment either through telephone or online (Zoom meeting). Please post general questions about course materials to the course discussion board Orientation Module. Personal matters should be addressed directly to the instructor through email, by telephone, or by Zoom meeting.

Course prerequisites, co-requisites, enrollment restrictions: There are no course that must be taken as a prerequisite for this course. This course is open to all upper division undergraduates (Junior, Senior), as well as all professional students and graduate students.

Course Description:

Using a case-study approach, potential legal liability issues are examined, within a health care context that primarily focuses on legal liability for malpractice related to the use of medications. Strategies for reduction of legal liability are explored. The implementation and oversight of legal risk management programs is addressed. Skills necessary to create systems that reduce exposure to malpractice are developed.

General Course Information:

This course is delivered in an asynchronous fashion. Pre-recorded lectures are posted to WyoCourses, along with reading assignments. Student-student and student-faculty interaction occurs on the course discussion board around the clock, 24/7. Students are expected to actively participate in online discussions, starting two original threads during each unit and posting three responses within other students' original threads during each unit. There is a multiple-choice online exam during each unit. There is a short answer/essay comprehensive exam at the end of the course.

Objectives/Outcomes/Standards:

- Discuss the principles of tort law that may lead to liability for health care malpractice.
- Illustrate the circumstances in which the standard of care for health professionals has not been met, resulting in negligent harm to a patient.

- Evaluate the risk management sensitivity of verbal statements made by health professionals to patients and family/friends of patients.
- Evaluate the risk management sensitivity of written comments made by health professionals in the patient care record.
- Formulate a legally defensible policy for evaluation of health care personnel based on the application of professional skills to patient care activities.
- Illustrate how ethical issues in health care may have implications for legal liability.
- Describe the particular responsibilities of health professionals within institutions such as hospitals, skilled nursing facilities, and prisons.
- Recommend policies for the safe and effective use of medications that have been approved as safe and effective yet have been at times used unsafely and/or ineffectively.
- Formulate a plan for the creation and implementation of a risk management system that promotes patient safety and reduces legal liability.
- Construct a flow chart of health professional responsibility, assisted by technical support staff, to produce safe and legally defensible professional services.

Assigned Readings:

- The Characteristics of a Claim for Malpractice
- Principles of Malpractice in Pharmacy and Nursing
- Unapproved Drugs
- Post-Marketing Medication Safety Requirements
- Order Processing Errors in the Community Setting
- Judgmental Errors in Community Pharmacy
- Order Processing Errors in Institutional Pharmacy
- Judgmental Errors in Institutional Pharmacy Practice
- Opioids and Pharmacist Responsibilities
- Extemporaneous Compounding Liabilities
- Liability for Mechanical Nursing Errors
- Liability for Judgmental Nursing Errors
- Inadequate Institutional Medication Systems
- Denial of Patient-Requested Medication
- Immediate Management of Potential Litigation
- Risk Management Systems

Recorded Online Lectures:

- Standards of Practice and Expert Witness Testimony
- Labeling Liabilities
- The Perfection Expectation
- Medication Use Responsibilities and Liabilities
- Pharmaceutical Product Qualities
- Pharmacist-Nursing Collaboration for Liability Reduction
- Healthcare System Responsibilities
- Mitigating Malpractice Risks

Case Studies:

- Burks v. Allen
- Kovach v. Caligor Midwest
- Shaw v. Smith
- Boyd v. Central Iowa Hospital
- Jensen v. Walgreens Co.
- Shands Teaching Hospital v. Dunn
- Scholl v. Walgreen’s Specialty Pharmacy
- Harris v. Advocate Health and Hospital Corporation

Online Video

- Deposition of Hospital Pharmacist in Medical Malpractice Case,
https://www.youtube.com/watch?v=qjb-M_OEiYw

Course Requirements/Assignments:

Each unit in this course requires that students complete the following activities:

- Carefully review the Unit Guide for familiarity with unit learning objectives and responsibilities.
- Download and print the lecture handouts and view the pre-recorded online lectures.
- Download and read the assigned written monographs.
- Participate actively in discussion board (2 original threads and 3 responsive posts minimum).
- Take the unit exam online.

There is a comprehensive exam.

Grading Standards:

The comprehensive grade in this course will be comprised of:

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|---------------------|-----|
| Eight Unit Exams | 50% |
| Comprehensive Exam | 25% |
| Class Participation | 25% |

Students who miss exams or class participation may request an excused absence, which will be granted by the course instructor if warranted. Students who develop conflicts that prohibit their completion of 25% or more of course material should withdraw from the course. Students who satisfactorily complete 75% or more of the course material, and who cannot complete the balance within the confines of the course schedule, may be granted an incomplete, and missing coursework must be completed by the end of the following term.

Course Outline:**Unit 1: The Foundations of Malpractice Liability—February 1-8**

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|-------------------------|---|
| Assigned Readings | The Characteristics of a Claim for Malpractice Principles of Malpractice in Pharmacy and Nursing |
| Recorded Online Lecture | Standards of Practice and Expert Witness Testimony |
| Online Video | Deposition of Hospital Pharmacist in Medical Malpractice Case |
| Case Study | Burks v. Allen |

Unit 2: Pharmaceutical Product Safety and Efficacy—February 8-15

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|-------------------------|---|
| Assigned Readings | Unapproved Drugs Post-Marketing Medication Safety Requirements |
| Recorded Online Lecture | Labeling Liabilities |
| Case Study | Kovach v. Caligor Midwest |

Unit 3: Medication Malpractice in The Community Pharmacy Setting—February 15-22

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|-------------------------|---|
| Assigned Readings | Order Processing Errors in the Community Setting Judgmental Errors in Community Pharmacy |
| Recorded Online Lecture | The Perfection Expectation |
| Case Study | Shaw v. Smith |

Unit 4: Medication Malpractice in the Institutional Pharmacy Setting—February 22-March 1

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|-------------------------|---|
| Assigned Readings | Order Processing Errors in Institutional Pharmacy Judgmental Errors in Institutional Pharmacy Practice |
| Recorded Online Lecture | Medication Use Responsibilities and Liabilities |
| Case Study | Boyd v. Central Iowa Hospital |

Unit 5: Contemporary Challenges in Pharmacy Malpractice—March 1-8

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|-------------------------|---|
| Assigned Readings | Opioids and Pharmacist Responsibilities Extemporaneous Compounding Liabilities |
| Recorded Online Lecture | Pharmaceutical Product Qualities |
| Case Study | Jensen v. Walgreens Co. |

Unit 6: Nursing Malpractice Liability—March 8-15

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| Assigned Readings | Liability for Mechanical Nursing Errors Liability for Judgmental Nursing Errors |
| Recorded Online Lecture | Pharmacist-Nursing Collaboration for Liability Reduction |
| Case Study | Shands Teaching Hospital v. Dunn |

Unit 7: Primary Institutional Liability—March 22-29

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|-------------------------|---|
| Assigned Readings | Inadequate Institutional Medication Systems Denial of Patient-Requested Medication |
| Recorded Online Lecture | Healthcare System Responsibilities |
| Case Study | Scholl v. Walgreen's Specialty Pharmacy |

Unit 8: Medication Malpractice Liability Reduction Strategies—March 29-April 5

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|-------------------------|---|
| Assigned Readings | Immediate Management of Potential Litigation Risk Management Systems |
| Recorded Online Lecture | Mitigating Malpractice Risks |
| Case Study | Harris v. Advocate Health and Hospital Corporation |

Comprehensive Exam (Essay, Short Answer) Posted April 5; Due April 12**Attendance/Participation Policy:**

University sponsored absences are cleared through the Office of Student Life. Class attendance in this course is mandatory and is fulfilled through active participation on the course discussion board, as well

as completion of assigned examinations. Graduate and professional students are subject to an elevated expectation for participation in class discussion board. Graduate and professional students should post original threads early during each unit, respond with encouraging and helpful remarks to posts of other students, and provide explanations of healthcare matters or research issues that may not yet be fully appreciated by undergraduate students enrolled in the cross-listed version of this course.

Classroom Behavior Policy:

At all times, I expect you to treat your presence in the online classroom and your enrollment in this course as you would a job. You will be respectful towards your classmates and instructor. Spirited debate and disagreement are to be expected in any classroom, and all views will be heard fully, but at all times we will behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. As the instructor, I have the right to dismiss you from electronic forums and other areas where disruptive behavior occurs.

Academic Freedom and Institutional Discrimination: UW Regulation 2-15 on Academic Freedom states, "Academic freedom in teaching protects the rights of Academic Personnel to teach according to their expertise. Academic Personnel are entitled to freedom in discussing their subject. Academic Personnel have a responsibility to ensure that their teaching is effective and consistent with the standards of the discipline, understanding that disciplines may have diverse points of view on any given subject. Teaching may involve controversial material; however, with academic freedom in the classroom, Academic Personnel also have the responsibility to respect others' freedom to express disagreement and alternate opinions." Additionally, "Academic freedom does not negate the rights of students and the public to disagree with Academic Personnel's work, although students are expected to learn material with which they may disagree." Also adopted by UW in its Academic Freedom policy, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled."

Classroom Statement on Diversity: The University of Wyoming values an educational environment that supports students of all backgrounds and viewpoints. Diversity of viewpoints is considered a resource for learning. Topics may be difficult, not only intellectually but emotionally; however, discussions are essential to meeting the course's student learning outcomes and assisting students in developing problem-solving and critical-thinking skills. During all conversations, respect and civility are of utmost importance.

Disability Support: The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a disability, including but not limited to physical, learning, sensory or psychological disabilities, and would like to request accommodation in this course due to your disability, please register with and provide documentation of your disability as soon as possible to Disability Support Services (DSS), Room 109 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. It is in the student's best interest to request accommodation within the first week of classes, understanding that accommodations are not retroactive. Visit the DSS website for more information at: www.uwyo.edu/udss.

Academic Dishonesty Policies: Academic dishonesty will not be tolerated in this class. Cases of academic dishonesty will be treated in accordance with UW Regulation 2-114. The penalties for

academic dishonesty can include, at my discretion, an “F” on an exam, an “F” on the class component exercise, and/or an “F” in the entire course. Academic dishonesty means anything that represents someone else’s ideas as your own without attribution. It is intellectual theft – stealing - and includes (but is not limited to) unapproved assistance on examinations, plagiarism (use of any amount of another person’s writings, blog posts, publications, and other materials without attributing that material to that person with citations), or fabrication of referenced information. Facilitation of another person’s academic dishonesty is also considered academic dishonesty and will be treated identically.

AI Technology Use prohibited: Students are not permitted to use advanced automated artificial intelligence or machine learning tools on assignments in this course. Each student is expected to complete each assignment without substantive assistance from others, including automated tools.

Duty to Report:

UW faculty are committed to supporting students and upholding the University’s non-discrimination policy. Under Title IX, discrimination based upon sex and gender is prohibited. If you experience an incident of sex- or gender-based discrimination, we encourage you to report it. While you may talk to a faculty member, understand that as a "Responsible Employee" of the University, the faculty member MUST report information you share about the incident to the university’s Title IX Coordinator (you may choose whether you or anyone involved is identified by name). If you would like to speak with someone who may be able to afford you privacy or confidentiality, there are people who can meet with you. Faculty can help direct you or you may find info about UW policy and resources at <http://www.uwyo.edu/reportit>

You do not have to go through the experience alone. Assistance and resources are available, and you are not required to make a formal complaint or participate in an investigation to access them.

Substantive changes to syllabus:

All deadlines, requirements, and course structure is subject to change if deemed necessary by the instructor. Students will be notified verbally in class, on our WyoCourses page announcement, and via email of these changes.

Student Resources:

DISABILITY SUPPORT SERVICES: udss@uwyo.edu, 766-3073, 128 Knight Hall, www.uwyo.edu/udss

COUNSELING CENTER: uccstaff@uwyo.edu, 766-2187, 766-8989 (After hours), 341 Knight Hall, www.uwyo.edu/ucc

ACADEMIC AFFAIRS: 766-4286, 312 Old Main, www.uwyo.edu/acadaffairs

DEAN OF STUDENTS OFFICE: dos@uwyo.edu, 766-3296, 128 Knight Hall, www.uwyo.edu/dos

UW POLICE DEPARTMENT: uwpd@uwyo.edu, 766-5179, 1426 E Flint St, www.uwyo.edu/uwpd

STUDENT CODE OF CONDUCT WEBSITE: www.uwyo.edu/dos/conduct

Green Dot Program at UW: Here at The University of Wyoming, we are committed to reducing and preventing power-based personal violence such as sexual assault, relationship violence, and stalking. Green Dot is a bystander intervention program to reduce these forms of violence with one thought; If everyone does one thing, no one will have to do everything. A Green Dot is your choice at any moment to make campus safer by promoting safety for everyone and letting others know that you will not tolerate violence. A Green Dot is any behavior, choice, word or attitude that sends a clear message that: 1. Violence is not okay with you, and 2. Everyone is expected to do their part.

Additional information on Green DOT training and resources are available at:
<http://www.uwyo.edu/greendot/>

Syllabus Changes: The material in this course is constantly changing. As new challenges for the prevention of pharmaceutical homicide emerge, they will be incorporated into the class as soon as possible. Omissions and deletions of course material may occur during the term of a course, and they will be highlighted for student awareness.

HyFlex, Zoom, and WyoCourses expectations:

As with all UW coursework, this course will be educational and useful to you. I will respond to questions, concerns, and feedback in a timely manner.

Your responsibilities:

- Give and receive feedback from me and your classmates respectfully and constructively in all interactions. This includes in Zoom chats, on WyoCourses boards, and within physical classroom spaces.
- Actively engage in civil discourse in a respectful manner. Use professional language in all course related forums.
- Communicate professionally. Whenever you send class-related email or messages, please include a clear, specific subject line and use the body of the email or message to explain the purpose for the email and any attached materials. Conduct yourself professionally.
- Meet assignment deadlines. We expect that you're interacting with course material multiple times during the week.
- Ask for help when you need it. For academic assistance for this course please contact me for available resources. For Dean of Students assistance please see:
<https://www.uwyo.edu/dos/student-resources/covid-19-student-resources.html>
- Please let us know if you notice another student who needs help in our (anonymous) WyoCares referral option (<https://www.uwyo.edu/dos/students-concern/index.html>).

Information Technology (IT): If you have any IT related challenges, please contact the UWIT Service Center: <https://uwyo.teamdynamix.com/TDClient/1940/Portal/Requests/ServiceDet?ID=8890>

Discussion Board (Class) Preparation/Participation

Grading Rubric

(25% of Grade)

| | Excellent (A) | Good (B) | Inadequate (C) |
|---------------------------------|--|---|--|
| Contributions | Consistently initiates useful and relevant ideas when participating in the discussion board. A definite leader who contributes major effort and who makes class discussions better. | Usually provides useful ideas when participating in classroom discussion board. A strong student who tries hard but is more of a follower than a leader in discussions. | Inconsistent in providing relevant comments on discussion board. Fails to initiate new threads that stimulate participation by other students. |
| Attitude | Always respectful of others; has a positive attitude, and does not rudely criticize anyone else's ideas or work. Other students feel safe responding to this student's posts. | Occasionally becomes impatient with ideas or work of others. Usually has a positive attitude toward discussions. Usually treats others and self with respect. | On more than one occasion becomes disrespectful of ideas expressed by others, using insults rather than evidence to express contrary views. |
| Preparedness & Focus | Consistently stays focused on subject matter assigned for discussion board and achieves identified outcomes. Self-directed and highly motivated. Postings help with understanding of assigned materials. | Usually posts comments that are related to course materials, but occasionally rambles about subjects that are not relevant to the course. | Postings to discussion board are based on general knowledge and common sense, rather than on materials assigned for course. |
| Quality of Work | Provides work of the highest insight that motivates other students to achieve at a high level. | Provides quality work that is interesting but not consistently insightful. | Does work that reflects little understanding of the course material. |