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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

[REDACTED]

Case No.: 24CV42281
**COMPLAINT FOR PERSONAL INJURIES,
MEDICAL MALPRACTICE, AND
WRONGFUL DEATH**
(Claim Not Subject to Mandatory Arbitration)

Plaintiffs,

vs.

ASANTE ROGUE REGIONAL MEDICAL
CENTER, an Oregon Assumed Business Name
of ASANTE, an Oregon Domestic Non-Profit
Corporation,

Defendant.

Total: \$303,285,000.00
ORS 21.160(1)(3)
Initial Filing Fees: \$1,178.00

Plaintiffs plead the following:

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1.

At all times material, Defendant Asante Rogue Regional Medical Center is an assumed business name of Asante, an Oregon Domestic Non-Profit Corporation.

2.

At all times material, all Plaintiffs were patients at Asante Rogue Regional Medical Center (hereafter referred to as “Defendant Asante”) in Jackson County, Oregon where they received medical attention from Defendant Asante that is the subject of this complaint.

3.

All Plaintiffs in this lawsuit received their medical attention that is the subject of this complaint less than 2 years from the date of the filing of this lawsuit.

4.

Beginning in December, 2023, Defendant Asante began informing all Plaintiff Patients and/or their relatives that their employee replaced Fentanyl with tap water causing bacterial infections.

NEGLIGENCE/CAUSATION

5.

As a care provider, Defendant Asante had a duty to use the degree of care, skill, and diligence used by like facilities in the same or similar circumstances to prevent drug misuse and bacterial infections.

6.

Defendant Asante knew or should have known of the high likelihood of drug misuse by its employees given the prevalence of such acts throughout the United States.

7.

Defendant Asante knew or should have known of the high likelihood of drug misuse by its employees given that Asante has had repeated instances of drug misuse by its employees in the past.

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8.

Defendant Asante’s employee misappropriated pain medications that were prescribed to Plaintiff Patients who were in pain.

9.

All Plaintiff Patients suffered pain that they otherwise would not have suffered and for durations of time that they would not have otherwise had to endure.

10.

Defendant Asante’s employee exposed Plaintiff Patients to bacteria and non-sterile needles.

11.

Defendant Asante identified all 18 Plaintiff Patients were affected.

12.

By and through the actions of a hospital employee, Defendant Asante was negligent and unreasonable in one or more of the following manners and said negligence was the proximate cause of damages and/or death to the Plaintiff Patients as individually listed in this complaint:

- a. Failing to adequately screen and monitor their employees for drug diversion;
- b. Failing to properly prevent drug diversion by their employees;
- c. Failing to adequately train and monitor their employees to maintain protocols concerning the administration of medication;
- d. Failing to administer pain medication as prescribed;
- e. Allowing tap water to have unreasonable levels of harmful bacteria;
- f. Failing to remedy the unreasonable levels of harmful bacteria in their tap water in a timely manner;
- g. Replacing pain medication with tap water;
- h. Failing to enforce and monitor medication administration protocols and procedures;

- i. Failing to follow procedures that would have prevented bacterial contaminations of the Plaintiff Patients;
- j. Failing to follow industry standards that would have prevented foreseeable employee misuse of pain medications;
- k. Failing to take appropriate remedial actions for prior drug misuse that would have deterred hospital employees from misusing medications;
- l. Failing to properly and thoroughly monitor the medication dispensary;
- m. Allowing a culture that fostered inattention to medication administration protocols that prevent drug misuse;
- n. Failing to timely respond to evidence of drug misuse and increasing bacterial infections;
- o. Failing to identify the source of bacterial infections in a timely manner;
- p. Failing to properly supervise hospital employees in the administration of pain medication to Plaintiff Patients;
- q. Failing to properly train and educate hospital employees concerning sterile procedures to prevent bacterial infections;
- r. Failing to adequately establish hospital protocols to promptly identify, determine the source of, and respond to infections;
- s. Failing to follow infection investigation, prevention, and control protocols established by the Centers for Disease Control and Prevention (“CDC”);
- t. Failing to properly warn and control the use of its unsafe tap water;
- u. Failing to thoroughly audit the medication administration records in a timely manner and respond appropriately;
- v. Vicariously through the acts of its employee;
- w. Under the legal doctrine of res ipsa loquitur, at all times material, Defendant Asante by and through its employees had complete and exclusive control of Plaintiff