

Two nurses charged in death of girl at Sick Kids

INQUEST RULED IT HOMICIDE

Experts worried case could set dangerous precedent

BY NANCY CARR

TORONTO • In a case that will be watched closely by medical practitioners across Canada, two Toronto nurses were charged yesterday with criminal negligence causing death after a girl in their care died in what a coroner's inquest ruled a homicide.

Ruth Doerksen, 41, and Anagaile Soriano, 25, surrendered yesterday at a Toronto police station. They were jointly charged with one count of criminal negligence causing death in the case of 10-year-old Lisa Shore.

The nurses are accused of failing to correctly monitor Shore's morphine drip while at the Hospital for Sick Children in October, 1998. She was admitted with nerve pain stemming from a broken leg.

Charges against health-care workers are rare in Canada and practitioners will be taking a keen interest in the case.

The union that represents Ontario nurses, although not those at the Hospital for Sick Children, says nurses across the province are "demoralized" by the arrests.

"Unfortunately, [nurses] leave work every day in fear that they cannot provide safe care because of serious understaffing and working conditions," Lesley Bell, CEO of the Ontario Nurses' Association, said in a release. "Now they have to worry that they may be criminally charged if something goes terribly wrong on their shifts."

In February, 2000, a coroner's ju-

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ry ruled Lisa's death a homicide. The verdict is merely a finding of fact and carries no weight in the criminal justice system.

The Hospital for Sick Children said in a news release it was "deeply saddened, for everyone involved," that charges had been laid. "Regrettably, human error occurred during Lisa Shore's treatment. No one has ever managed to eliminate all human error. It is for this reason that our changes have focused on better systems to improve the quality of care and reduce the likelihood of error."

Ms. Soriano's lawyer, Liz McIntyre, said the nurses would be "vigorously defended."

Ms. McIntyre said this week charges would be "outrageous" and the matter should instead be dealt with at the College of Nurses of Ontario's disciplinary hearing, scheduled to start Dec. 4.

Frank Gomberg, the lawyer for Lisa's parents, said Bill and Sharon Shore have mixed emotions about the charges.

"They certainly never wanted this case to end up in criminal court," Mr. Gomberg said. "They wanted the truth and, unfortunately, they didn't get it before the coroner's inquest, and there's some grave concerns that they have and that I have about whether or not the full story emerged at the inquest."

"[The police] have ... concluded that criminal charges are warranted," Mr. Gomberg said, adding the charges are "entirely understandable. They haven't concluded that they're going to be convicted — that's for a jury."

The fallout from the charges may set a worrying precedent, says an expert on medical law.

"If we are now to have the uniformed police and criminal courts standing behind them monitoring what health professionals do ... they could lose confidence and that could be bad for the health system," said Bernard Dickens, a University of Toronto professor specializing in medical health and the law.

The nurses were expected to be released on bail. They are to appear in court Nov. 22.

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