

Common Medication Errors and Who's Legally Responsible

A New Mexico medical malpractice lawyer fighting for justice for you and your family

Most of us trust that when a doctor writes a prescription or a pharmacist fills it, we're getting exactly what we need to improve our health. The reality is that medication errors happen more often than many people realize. These mistakes can have devastating consequences.

Whether it's taking the wrong dosage or being given a completely different drug, these kinds of errors can lead to serious health issues, long-term complications, or even death. What makes it worse is that many of these incidents are entirely preventable.

If you or a loved one has been harmed by [medication malpractice](#) in New Mexico, you may be wondering who is responsible. Can you sue a doctor or a pharmacy? Is the hospital at fault? Here's a look at the most common types of medication mistakes, where they tend to happen, and how the law determines who may be held legally accountable.

What are the most common types of medication errors?

Medication errors can happen at any stage, from the moment a prescription is written to when it's taken at home. Some of the most common mistakes include:

Wrong medication

Patients are sometimes given a completely different drug than the one they were prescribed. This can occur if a doctor selects the wrong medication in an electronic system or if a pharmacist misreads a prescription. Some drugs have similar names or come in nearly identical packaging, which can increase the risk of confusion.

Incorrect dosage

This occurs when a patient receives too much or too little of a medication. Dosage errors might result from a decimal point mistake (such as giving 10.0 mg instead of 1.0 mg), failure to adjust a dose based on weight or kidney function, or incorrect instructions typed on the prescription label.

Wrong route of administration

A medication may be intended for oral use but is given through an IV. Injections can also be mistakenly administered into a vein instead of a muscle. Delivering a drug by the wrong route can reduce its effectiveness or make it dangerously potent.

Timing errors

Timing is more critical than many people realize. Missing doses, giving medication too early or too late, or skipping doses entirely can interfere with treatment. This is particularly risky for medications such as insulin, blood thinners, or antibiotics.

Harmful drug interactions

Doctors and pharmacists are expected to check for potential interactions when prescribing or dispensing medications. However, mistakes happen, and two drugs that shouldn't be taken together may be prescribed or filled. This can lead to serious effects such as internal bleeding, seizures, or heart complications.

Labeling or packaging mistakes

Medication containers often look similar, which can make it easy to grab the wrong one. Labels may also be unclear or missing important instructions. In such cases, patients or even healthcare professionals can make dangerous errors.

Where do medication errors usually happen?

Medication mistakes can occur in nearly every setting where prescriptions are written, filled, or administered, including:

- **Hospitals and clinics:** Hospitals are high-pressure environments. Nurses, doctors, and pharmacists manage heavy workloads, and errors can occur when orders are rushed, misunderstood, or not properly verified. Mistakes often happen during patient handoffs, such as a transfer from the emergency room to another unit.
- **Pharmacies:** Pharmacists and pharmacy technicians must fill prescriptions accurately, label them properly, and provide counseling to patients. These professionals are often under tight deadlines and may make critical errors involving the wrong medication or dosage.
- **Nursing homes and long-term care facilities:** These settings involve the administration of many medications to multiple residents, often by staff with varying levels of training. Mistakes can happen due to poor supervision, miscommunication, or inadequate staffing. Residents with dementia or disabilities may be unable to detect or report errors.
- **At home:** Patients and caregivers sometimes make errors when instructions are unclear or medication schedules are complicated. Language barriers and low health literacy can also lead to mistakes. While some of these may seem user-related, they often stem from a lack of proper education or guidance from healthcare providers.

What are the consequences of a medication error?

The impact of a medication error varies based on the drug involved, the nature of the mistake, and the patient's overall health. Some errors cause symptoms such as nausea, dizziness, or headaches. While these may resolve quickly, they still cause discomfort and may delay appropriate treatment.

More severe mistakes can lead to long-term harm such as stroke, kidney failure, or life-altering allergic reactions. Some patients experience permanent damage requiring lifelong care.

Tragically, fatal errors can occur when patients are given medications they are allergic to or

when they overdose due to dosage mistakes. These deaths are often avoidable and rooted in negligence.

Even when not fatal, errors can erode trust in the healthcare system. Victims may experience anxiety, depression, or post-traumatic stress. Financially, families may face steep medical bills, lost income, and long-term care costs as a result.

Who can be held legally responsible for a medication error?

Accountability depends on where and how the error occurred. Several parties may be held liable, including:

- **Doctors or prescribing providers:** Physicians are expected to prescribe the correct medication, in the right dosage, with clear instructions. If they overlook allergies, interactions, or patient-specific factors, they may be found negligent.
- **Pharmacists:** Pharmacists must ensure prescriptions are filled correctly, screen for potential interactions, and counsel patients. If they dispense the wrong drug or fail to provide proper guidance, they could be held responsible.
- **Nurses or hospital staff:** Nurses are often tasked with administering medication in hospitals. Administering the wrong drug or giving it to the wrong patient can result in legal liability.
- **Healthcare institutions:** Hospitals, clinics, and pharmacies may be at fault if poor protocols, lack of training, or staff shortages contributed to an error. A facility can be held liable for systemic failures.
- **Drug manufacturers:** In rare cases, pharmaceutical companies may be responsible due to mislabeled or defective products. These situations fall under product liability law and involve different legal standards.

How is legal liability determined?

To pursue a successful claim, you must generally prove that:

- **A duty of care was owed:** The healthcare provider, pharmacist, or facility had a legal responsibility to prescribe, dispense, or administer medication safely and correctly.
- **That duty was breached due to negligence:** This duty was violated through careless actions such as prescribing the wrong drug, mislabeling a bottle, or failing to check for interactions.
- **The breach directly caused harm:** The medication mistake led to a specific injury or made an existing condition worse.
- **You suffered measurable damages:** As a result, you experienced physical harm, emotional distress, medical expenses, or other quantifiable losses.

Evidence such as medical records, expert testimony, prescription documentation, and witness statements can all help prove your case. These records can show exactly what went wrong, who was responsible, and how the error impacted your health and daily life.

What should I do if I suspect a medication error?

If you believe a medication error has occurred, taking the right steps immediately can protect your health and strengthen your legal claim. Here's what to do:

- **Get medical help immediately:** Your health (or your loved one's) is the top priority. Seek emergency treatment to prevent further harm and stabilize your condition.
- **Keep all related evidence:** Hold on to prescription bottles, labels, packaging, instructions, and receipts. These items may be helpful in your medical malpractice case.
- **Request your medical records:** Obtain your complete medical file, including doctor's notes, pharmacy records, and communication logs. These documents can support your claim.
- **Talk to a medical malpractice attorney:** An experienced New Mexico medical malpractice lawyer can investigate the circumstances, identify liable parties, and guide you through the legal process.

Get trusted legal help for your New Mexico medical malpractice claim

If you or someone you love was harmed by a healthcare provider's negligence in Albuquerque, Santa Fe, or anywhere in New Mexico, get an attorney who knows how to hold the right parties accountable. The legal team at [Szantho Law Firm](#) fights for victims of medical malpractice and their families. Our goal is to help you get the full compensation you're entitled to, whether for your recovery or on behalf of a loved one.

We offer a free, no-obligation consultation so you can get the answers you need. We handle all cases on a contingency fee basis, so you owe us nothing unless we get full compensation for you. With extensive experience handling medication error cases, we understand how to gather the right evidence, negotiate for a fair settlement, or if necessary, take your case to trial.

To get started, [contact us online](#) or call us today to schedule your free, confidential case review. We proudly serve clients in Albuquerque, Santa Fe, and throughout the state.

"If anyone I know is involved in an accident I will surely recommend that they call the Szantho Law Firm, P.C." – G.P., ★ ★ ★ ★ ★