

## Med tech's arrest shows flaws in system (Update)

August 14 2012, by DAVID B. CARUSO

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(AP) — Radiology technician David Kwiatkowski was a few weeks into a temporary job at the University of Pittsburgh Medical Center-Presbyterian in 2008 when a co-worker accused him of lifting a syringe containing an addictive painkiller from an operating room and sticking it down his pants.

More syringes were found in his pockets and locker. A drug test showed he had fentanyl and other opiates in his system.

In what may be the scariest part of all, authorities say that when he swiped the fentanyl syringe, he left another one in its place, filled with a dummy fluid, ready to be used on a patient.

But Kwiatkowski did not go to jail. No one in Pittsburgh even called the police. Neither the hospital nor the medical staffing agency that placed him in the job informed the national accreditation organization for radiological technicians.

So just days after being fired, he was able to start a new job at a Baltimore hospital. And from there, he went from one hospital to another — 10 hospitals altogether in the four years after he was fired in Pittsburgh. All of them told The Associated Press they had no knowledge of his disciplinary history when they hired him for temporary jobs.

The potentially grave cost of those loopholes became clear only after

Kwiatkowski's arrest last month in New Hampshire, where he stands accused of infecting at least 31 Exeter Hospital patients with hepatitis C by stealing fentanyl syringes and replacing them with dirty ones tainted with his blood.

Now, thousands of hospital patients who may have crossed paths with Kwiatkowski in eight states — Arizona, Georgia, Kansas, Maryland, Michigan, New Hampshire, New York and Pennsylvania — are being tested to see if they, too, are infected with hepatitis C, a sometimes life-threatening virus that can destroy the liver and cause cancer.

As the Kwiatkowski case demonstrates, medical technicians aren't as closely regulated as doctors or nurses, and there is no nationwide database of misconduct or disciplinary actions against them, the way there is for physicians.

"It seems that what happens in Pittsburgh stays in Pittsburgh," said Barbara Yeninas, a spokeswoman for Springboard Healthcare Staffing and Search, one of at least seven medical staffing agencies that lined up jobs for Kwiatkowski. "They get hired and they get fired and they can move on to wherever else they want."

As Kwiatkowski made his way from one institution to another, the Pittsburgh incident was not even the only time he was accused of stealing drugs and fired.

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Kwiatkowski, 33, became a radiology technician in 2003 in his home state of Michigan after completing a training program. He earned a degree two years later from Madonna University in Livonia, where he was a catcher on the baseball team and became one of the small school's all-time leaders in two inglorious categories: passed balls and steals

allowed.

Former teammate Mario D'Herin said Kwiatkowski was regarded as a liar. At one point, he claimed to have cancer.

"Then he said it was Crohn's disease, and it was like the boy who cried wolf — nobody really believed him," D'Herin said.

In court papers, the FBI said he admitted making up several stories about his life, telling people he had played his college ball at the University of Michigan or saying he had a fiancée who died tragically. Investigators could find no evidence he was treated for cancer.

Kwiatkowski's parents told investigators their son had problems with alcohol, anger and depression. They also believed he had Crohn's disease, a painful bowel condition sometimes treated with fentanyl patches.

Through jail officials, Kwiatkowski declined to be interviewed. His court-appointed lawyer would not comment. Nor would his mother in Michigan.

Kwiatkowski has pleaded not guilty to stealing drugs and tampering with needles in New Hampshire. He told investigators he was innocent and suggested that a co-worker had planted a fentanyl syringe found in his car.

"I've already said it. I did not take any drugs or do any drugs ... and I'm gonna stick to that," he said, according to the FBI account.

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People involved in a 2010 incident at Arizona Heart Hospital tell a

different story. Kwiatkowski was 10 days into a job assignment when a co-worker found him passed out in a bathroom stall. A stolen syringe, bearing a label for fentanyl, floated in the toilet. In the emergency room, he tested positive for both cocaine and marijuana.

"I'm going to jail," he moaned when he regained consciousness, according to an account given to state regulators by the colleague who found him.

This time police were summoned, but the officers decided not to file charges or even write up a report after being told that Kwiatkowski had flushed the syringe. "We had no evidence. We had nothing except what they told us," said Phoenix Officer James Holmes, a police spokesman.

Hospital officials alerted Springboard, which had gotten Kwiatkowski the assignment in Arizona, and also informed the Arizona Medical Radiologic Board of Examiners, which took steps to revoke Kwiatkowski's license. Springboard also sent a report to the American Registry of Radiologic Technologists, the organization that 37 states rely on to verify that technicians have proper credentials.

But after learning police hadn't filed charges, the national accreditation group dropped its inquiry without ever speaking to anyone at the hospital or the state licensing board, said a spokesman, Christopher Cook.

Just days after Kwiatkowski's firing, he landed a new job filling in for striking technicians at Temple University Hospital in Philadelphia. He faxed a handwritten note to Arizona licensing officials from a Philadelphia airport hotel saying he would surrender his license rather than fight the accusations.

If Kwiatkowski had been a doctor, that loss of his Arizona license would have jeopardized his ability to work anywhere in the U.S. But in this

case, he had nothing to worry about. Like many other states, Pennsylvania doesn't require most radiological technicians to be registered and doesn't maintain records of disciplinary actions against them.

He soon moved on to other hospitals, including Hays Medical Center in Hays, Kansas, where he worked in the heart catheterization lab and was involved in the care of 460 patients who are now undergoing testing for hepatitis C.

Linda Ficken, 70, who went to Hays to get a pacemaker two years ago, was informed last week that she has been diagnosed with hepatitis C. The Kansas health department said two other patients have been diagnosed with a strain of the virus closely related to the one Kwiatkowski carries. Further analysis is planned.

"I was pissed," Ficken said. "And I still am. And also with the people that employed him, because he put me and my family in jeopardy, he put a lot of people in jeopardy and this is just going to continue to mushroom. Somebody fell down on the job someplace. He didn't slip through the cracks on his own."

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Hospitals and the staffing agencies that routinely help them fill jobs are supposed to share responsibility for verifying that workers have proper licensing and good reputations. But four of the states where Kwiatkowski worked over the full course of his career — New Hampshire, Georgia, Pennsylvania and Michigan — don't even license radiology workers.

The institutions that allowed Kwiatkowski to keep working offered a variety of excuses and explanations as to how he slipped by various

background checks and managed to get licensed in other states.

University of Pittsburgh Medical Center spokeswoman Gloria Kreps said that when he was accused of stealing fentanyl, officials did not contact police because they did not believe they had enough evidence. "We noticed unusual behavior, caught him with a syringe, but did not witness him in the act of committing a crime," she said.

They didn't alert the national credentialing organization, she said, because they felt that was the responsibility of Maxim Staffing Solutions, the agency that had placed him. Officials at the staffing agency's parent company did not return calls for comment.

Matt Price, chief executive of Advantage RN, the staffing agency that got Kwiatkowski the position in Philadelphia, said his stint in Phoenix was so short that it was easy for him to hide that he ever worked there.

And because of the need to find strike-replacement workers fast, Temple asked the company to verify only the last two jobs held by each applicant. So even though Kwiatkowski listed his Pittsburgh job on his resume, no one called the hospital for a reference.

In Kansas, which in 2010 became the last state to license Kwiatkowski, the Board of Healing Arts verified his education, national certification and other state licenses, but not his work history, said the agency's lawyer, Kelli Stevens.

In the section of his application detailing previous jobs, he left out nine hospitals, including the two that fired him for suspected drug abuse. He answered "no" to a long list of questions about misconduct, saying he had never been disciplined or used illegal drugs.

He also asked the state to waive its requirement that he send a photocopy

of his American Registry of Radiologic Technologists identification card. He claimed that his wallet had recently been stolen and complained in a rambling email about having trouble getting a school he attended to send proof of his degree.

Cook, the spokesman for the American Registry of Radiologic Technologists, said Kwiatkowski's case underscores the need for a national database of disciplinary actions.

The agency has about 315,000 technicians registered with it. It handles about 3,000 complaints per year. Last year, it issued 222 public sanctions for misconduct that ranged from criminal convictions to failure to follow professional standards.

"If ARRT had more access to information held by state agencies, employers and others, we believe this number would be higher," Cook said.

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Things finally began to unravel for Kwiatkowski in New Hampshire, where a temporary stint at Exeter Hospital starting in April 2011 turned into a permanent job in a cardiac catheterization lab. A co-worker complained that she saw Kwiatkowski acting strangely and sweating, with bloodshot eyes. He was sent home after saying his aunt had died.

Another co-worker said he once saw him with white foam around his mouth. Others told of him shaking, sweating through his scrubs and frequently running off sick to the bathroom, sometimes in the middle of a procedure. A patient's relative discovered a fentanyl syringe in a public bathroom.

In April, Kwiatkowski was charged with leaving the scene of an accident

after he backed into a car and drove away.

In May, three doctors simultaneously reported that patients recently treated in the catheterization lab had tested positive for hepatitis C. Within days, Kwiatkowski was also identified as having hepatitis C, and he was suspended as the state began investigating.

In July, police in Massachusetts said they found him intoxicated in a hotel room with a suicide note. He was arrested soon after.

Laboratory testing found that 31 patients had a strain of the hepatitis C virus matching the one Kwiatkowski carried, health authorities said. It isn't clear when he contracted hepatitis C. Prosecutors said in court papers that they have evidence he tested positive at least as far back as 2010. Michigan officials said he tested negative in 2006.

In response to the AP story, Exeter Hospital on Tuesday called for mandatory disclosure by health care facilities about problem workers. The hospital said there should be a national registry system covering all workers providing patient care, and hospitals that share information should be protected from employment lawsuits.

Also Tuesday, the University of Pittsburgh Medical Center said it sent letters to about 2,000 patients who may have been exposed to hepatitis C by the former medical worker. The hospital said the letters were not in response to the AP story.

Kwiatkowski's license in New York is still listed on a state website as active and in good standing.

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