

FACTUAL BASIS:

At all relevant times, the United States Department of Veterans Affairs operated a hospital in Clarksburg, Harrison County, West Virginia, named Louis A. Johnson Veterans Affairs Medical Center (“VAMC Clarksburg”), to provide healthcare services to eligible veterans of the United States military. At all relevant times, VAMC Clarksburg was a federal healthcare facility situated on land acquired for the use of the United States and under its jurisdiction.

At all relevant times, VAMC Clarksburg employed Reta Mays as a nursing assistant responsible for measuring patients’ vital signs, documenting patients’ intake and output, testing patients’ blood glucose levels with a glucometer, and sitting one on one with patients who required close observation. At no time was Ms. Mays qualified or authorized to administer medication, including insulin.

At all relevant times, Ms. Mays was assigned to work the night shift, 7:30 p.m. to 8:00 a.m., in VAMC Clarksburg’s medical surgical unit, referred to as Ward 3A.

1. Robert Edge, Sr.:

During the July 19-20, 2017 night shift at VAMC Clarksburg, 82-year-old Robert Edge, Sr. was an inpatient in Ward 3A. On this night shift, Ms. Mays, while sitting one on one with Mr. Edge, willfully, deliberately, and without authorization, administered insulin to Mr. Edge, who was a Type 2 diabetic but who had not received any prescribed insulin during his admission. Following this administration, Mr. Edge suffered a severe hypoglycemic event, marked by a blood glucose level of 17, as measured by a glucometer. Despite hospital staff administering several ampules of Dextrose 50 to Mr. Edge in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On the afternoon of July 20, 2017, Mr. Edge died. The insulin that Ms. Mays administered to Mr. Edge was the but-for cause of his death, as Ms. Mays had intended.

2. Robert Kozul:

During the January 28-29, 2018 night shift at VAMC Clarksburg, 89-year-old Robert Kozul was an inpatient in Ward 3A. On this night shift, Ms. Mays, while sitting one on one with Mr. Kozul, willfully, deliberately, and without authorization, administered insulin to Mr. Kozul, who was not a diabetic and not prescribed insulin. Following this administration, Mr. Kozul suffered a severe hypoglycemic event, marked by a blood glucose level of 27, as measured by the VAMC Clarksburg laboratory. Despite hospital staff administering several ampules of Dextrose 50 to Mr. Kozul in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On January 30, 2018, at approximately 1:00 a.m., Mr. Kozul died. The insulin that Ms. Mays administered to Mr. Kozul was the but-for cause of his death, as Ms. Mays had intended.

3. Archie Edgell:

During the March 23-24, 2018 night shift at VAMC Clarksburg, 84-year-old Archie Edgell was an inpatient in Ward 3A. On this night shift, Ms. Mays, while sitting one on one with Mr. Edgell, willfully, deliberately, and without authorization, administered insulin to Mr. Edgell, who was who

was a Type 2 diabetic but who had not received any prescribed insulin during his admission. Following this administration, Mr. Edgell suffered a severe hypoglycemic event, marked by a blood glucose level of 24, as measured by a glucometer. Hospital staff administered several ampules of Dextrose 50 to Mr. Edgell over the next 24 hours. On the night shift of March 24-25, 2018, Ms. Mays, while sitting one on one with Mr. Edgell, willfully, deliberately, and without authorization, administered insulin to Mr. Edgell. Following this administration, hospital staff discovered Mr. Edgell to have a blood glucose level of 23, as measured by a glucometer. On the morning of March 26, 2018, Mr. Edgell died. The insulin that Ms. Mays administered to Mr. Edgell was the but-for cause of his death, as Ms. Mays had intended.

4. George Shaw:

During the March 25-26, 2018 night shift at VAMC Clarksburg, 81-year-old George Shaw was an inpatient in Ward 3A. On this night shift, Ms. Mays, while sitting one on one with Mr. Shaw, willfully, deliberately, and without authorization, administered insulin to Mr. Shaw, who was not a diabetic and not prescribed insulin. Following this administration, Mr. Shaw suffered a severe hypoglycemic event, marked by a blood glucose level of 17, as measured by a glucometer. Despite hospital staff administering several ampules of Dextrose 50 and a dose of Glucagon to Mr. Shaw in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On April 10, 2018, Mr. Shaw died, having never returned to his clinical baseline after the hypoglycemic event. The insulin that Ms. Mays administered to Mr. Shaw was the but-for cause of his death, as Ms. Mays had intended.

5. W.A.H.:

During the April 3-4, 2018 night shift at VAMC Clarksburg, 96-year-old W.A.H. was an inpatient in Ward 3A. On this night shift, Ms. Mays willfully, deliberately, and without authorization, administered insulin to W.A.H., who was a Type 2 diabetic prescribed a certain type and amount of insulin. Following this administration, W.A.H. suffered a severe hypoglycemic event, marked by several glucometer measurements of a blood glucose level in the 30s. Despite hospital staff administering several ampules of Dextrose 50 to W.A.H. in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On the morning of April 8, 2018, W.A.H. died. The insulin that Ms. Mays administered to W.A.H. was the but-for cause of his death, as Ms. Mays had intended.

6. Felix McDermott:

During the April 8-9, 2018 night shift at VAMC Clarksburg, 82-year-old Felix McDermott was an inpatient in Ward 3A. On this night shift, Ms. Mays willfully, deliberately, and without authorization, administered insulin to Mr. McDermott, who was not a diabetic and not prescribed insulin. Following this administration, Mr. McDermott suffered a severe hypoglycemic event, marked by a blood glucose level of 12, as measured by a glucometer. Despite hospital staff administering several ampules of Dextrose 50 and a dose of Glucagon to Mr. McDermott in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On April 9, 2018, at approximately 9:00 a.m., Mr. McDermott died. The insulin that Ms. Mays administered to Mr. McDermott was the but-for cause of his death, as Ms. Mays had intended.

7. Raymond Golden:

During the June 3-4, 2018 night shift at VAMC Clarksburg, 88-year-old Raymond Golden was an inpatient in Ward 3A. On this night shift, Ms. Mays, while sitting one on one with Mr. Golden, willfully, deliberately, and without authorization, administered insulin to Mr. Golden, who was a Type 2 diabetic who had required only a single administration of a certain type and amount of insulin during his admission. Following this administration, Mr. Golden suffered a severe hypoglycemic event, marked by a blood glucose level of 7, as measured by the VAMC Clarksburg laboratory. Despite hospital staff administering several ampules of Dextrose 50 to Mr. Golden in an attempt to raise his level of blood glucose, he did not recover from his hypoglycemia. On June 8, 2018, Mr. Golden died. The insulin that Ms. Mays administered to Mr. Golden was the but-for cause of his death, as Ms. Mays had intended.

8. R.R.P.:

During the June 17-18, 2018 night shift at VAMC Clarksburg, 92-year-old R.R.P. was an inpatient in Ward 3A at VAMC Clarksburg. On this night shift, Ms. Mays willfully, deliberately, and without authorization, administered insulin to R.R.P., who was not a diabetic and not prescribed insulin. Following this administration, R.R.P. suffered a severe hypoglycemic event, marked by a blood glucose level of 14, as measured by a glucometer. Hospital staff administered several ampules of Dextrose 50 to R.R.P. By June 19, 2018, R.R.P.'s blood glucose had stabilized, and he did not receive any additional Dextrose 50. On July 3, 2018, R.R.P. died at a nursing home. The medical examiner could not opine that insulin was the but-for cause of R.R.P.'s death. However, Ms. Mays had intended to cause R.R.P.'s death when she administered insulin to him during the June 17-18, 2018 night shift.