

# Family sues drugstore in son's coma case

By SUSAN TAUBER KLEIN

A West Bloomfield couple in suing Band Village Drug Store, 3125 Southfield Road, Beverly Hills, for allegedly filling a prescription in a bottle without a child-resistant top in violation of federal regulations.

Mr. and Mrs. Michael Shaker are seeking \$5,000 actual damages and \$50,000 punitive damages in the Oakland Circuit Court lawsuit filed last week against the drug store.

On Oct. 14, the Shakers' two-and-a-half-year-old son Joshua was hospitalized for two days after he layed into a coma. The suit contends the child had opened a prescription bottle and took some pills for Mrs. Shaker's mother.

According to U.S. Consumer Protection Safety Commission (CPSC) regulations all pharmaceuticals must dispense prescription drugs in containers with child-resistant tops.

"I'M HOPING THE publicity on this will save someone else's life," said Mrs. Shaker.

The owner of the drug store, Jerry Band, declined to be interviewed. He said, "His article was so what if your son got sick."

Band could not be reached for comment. A pharmacist at Band Village Drug is quoted in an interview that the store has always used child-resistant containers. "Because there are many companies who make bottles and child-resistant tops, often

the tops don't look alike and thus be mistaken for regular tops," said the pharmacist, who asked that his name not be published.

MRS. SHAKER said she could pop off the top of the vial with one finger. "There was no special instructions to get the top off. It was not a child-safe top," she insisted.

James Testaceca, investigator for the CPSC in Detroit, said there are only two exceptions to the federal regulations. A physician can specify in a prescription that it be filled in a non-complying container. "This is often done if a patient has arthritis or is elderly," said Testaceca.

In addition, a customer can request the pharmacist fill the prescription in a regular bottle without a child-safety top.

Mrs. Shaker said her mother never requested her prescriptions be filled in non-complying bottles. "Luckily she is young and healthy and doesn't need regular prescription bottles," she said.

CARL CROSS, executive secretary of the Michigan Board of Pharmacy in East Lansing, said in an interview that only two types of prescriptions are exempt from federal regulations: birth control pills be-

cause they aren't harmful to children and nitroglycerin tablets which must be quickly accessible to those with heart problems.

An investigator from the pharmacy board as well as Testaceca are investigating the case against Band Village Drug.

After Joshua brought Mrs. Shaker the pill vial which he took at her mother's house in Southfield, she called the drug store.

"I was told by a pharmacist that the medication was harmful, a strong laxative, and that Joshua would be hurt if he took any. The pharmacist told me to give him lots of water to prevent his becoming constipated," stated Mrs. Shaker.

TWO HOURS LATER, Joshua went into a coma at Mrs. Shaker's brother's home in Farmington Hills.

Mrs. Shaker rushed him to the General Hospital emergency room where doctors pumped Joshua stomach and gave him medication to make him vomit the pills.

But because of all the water I had given him the drug was already diluted. The doctors had to give him a stomach pump to get the drug out of him," she said.

## Secret meetings reaffirmed

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The Farmington Board of Education will keep its scheduled status sessions and decisions on the new district's educational goals and objectives. It began meeting part of its business Tuesday at Power Junior High.

The board is reviewing the 12-page preliminary report designed to weed out all the district's problems and to set priorities.

It is also working on updating the district's curriculum with the most recent materials. The board will meet again on Nov. 22.

Boarding school committee has been meeting to discuss the new curriculum. The board will meet again on Nov. 22.

Also on the agenda is the new curriculum. The board will meet again on Nov. 22.

The reasons will also strike references to the Citizens Advisory Council, a district group which studied problems in the schools.

The Citizens Advisory Council will be replaced by task forces that will study specific problems. The force will have to present its proposals within a specific time limit, according to the board.

It is also necessary to strike a policy. Mrs. Pritz said.

I have already made up my mind about this soon as I can. But if you give a curriculum committee they go at it. If they don't have things to do they get out of hand.

The Citizens Advisory Council was told to study the curriculum while the board could give the curriculum to do it, she said.

The board's previous statement has been revised for four years, according to the board.

The board is also a part of the study. This is the first time the board has been involved in the study.

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Laura Lacey, 2508 Independence, Farmington and Diane McCallum, 3201 Thurngate, of Farmington were among 60 students who were named to Ferris State's list of 100. The students on the list must earn at least a 3.0 average and carry a full academic load.

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