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Elkhart meningitis patient sues pharmaceutical company

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This photo provided Oct. 9, 2012, by the Minnesota Department of Health shows vials of the injectable steroid product made by New England Compounding Center implicated in a fungal meningitis outbreak that were being shipped to the CDC from Minneapolis. On Thursday, Oct. 18, 2012, the U.S. Food and Drug Administration said the fungus was in one lot of vials made in August 2012 by the New England Compounding Center of Framingham, Mass. The specialty pharmacy has been at the center of a national investigation into more than 250 fungal meningitis cases, including at least 20 deaths. (AP Photo/Minnesota Department of Health)

ELKHART — An Elkhart man infected by fungal meningitis is taking action against a pharmaceutical company that distributed batches of contaminated medications.

Nathan Owen Tacy is one of 271 people across the county who developed an infection after receiving tainted steroid injections that were given in 16 states. Tacy filed suit Monday against drug manufacturer New England Compounding Center in Framingham, Mass., and two affiliated companies, Ameridose LLC and Alaurus Pharmaceutical LLC.

David Holub, Tacy's attorney, said his client received injections in September at OSMC Outpatient Surgery Center in Elkhart weeks before the medications were recalled. OSMC was not named in the lawsuit. Holub declined to comment on his client's condition.

There have been 35 fungal meningitis cases identified in Indiana, according to the most recent figures from the U.S. Centers for Disease Control and Prevention. All but 11 of those people received injections in Elkhart County.

In the suit, Tacy charges that the pharmaceutical companies showed negligence by failing to uphold quality controls and comply with "purity and hygienic standards" and government guidelines, according to Holub. Tacy is seeking unspecified damages.

"The next step would be determined by the courts, and I can imagine that there will be many lawsuits filed because many people were affected by this," Holub said. "The courts may even get into a situation where class-action lawsuits are filed."

The CDC estimates that roughly 14,000 people may have been exposed to the contaminated drugs. There have been 21 deaths attributed to the outbreak, including two people in Indiana, both of whom received injections at OSMC. OSMC's staff contacted close to 400 patients soon after the meningitis outbreak came to light earlier this month, advising them to watch for symptoms of the infection including headache, fever, nausea and neck stiffness.

Dr. Dan Nafziger, head of the Elkhart County Health Department, has been working closely with OSMC's staff and area physicians to care for local patients. Some progress has been made, he said.

"We're starting to see some patients being able to be sent home from the hospitals," he said. "It's not that people are off medications or cured, but they're able to be switched over to oral medications, so I think that's a promising sign."

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