

Stevens Johnson Syndrome/Toxic Epidermal Necrolysis

Stevens-Johnson syndrome, also known as SJS, is a serious adverse skin reaction that can be life threatening. A severe form of SJS known as toxic epidermal necrolysis (TEN) can result in death and carries a mortality rate between 30%-80%. The cause of SJS and TEN is often a reaction to a drug or medication, including commonly used over-the-counter such as non-steroidal anti-inflammatory drugs (NSAIDs), as well as commonly prescribed antibiotics and anti-epileptic drugs.. Patients who have been diagnosed with SJS or TEN may be able to seek compensation by filing a product liability lawsuit against the drug companies responsible for designing, manufacturing, or marketing the dangerous drug.

Due to the magnitude of injury and high mortality rates, SJS and TEN are two of the most serious and scrutinized adverse drug reactions. Stern, R.S., et al. 21 AM. J. ACAD. DERMATOL. 317-322 (1989) (commenting that because of high mortality/morbidity [SJS/TEN] is the most important drug-related cutaneous eruption with respect to assessing risk vs. benefits of drugs); Roujeau et al., 333 N.E.J.M. 1600-1607 (1995) (“Although infrequent, these conditions [SJS and TEN] may kill or severely disable previously healthy people. A few cases have prompted the withdrawal of newly released drugs.”).

The impact on public health from SJS and TEN is substantial and important. Indeed, it has been reported that the costs associated with the treatment of SJS and TEN patients in the United States alone exceeds \$125 million per year, which is five times higher than the cost associated with any other hospital admission. Hsu, et al., “Morbidity and Mortality of Stevens-Johnson Syndrome and Toxic Epidermal Necrolysis in United States Adults,” J. INVESTIGATIVE DERM. (2016). The FDA requires drug companies to pay special attention to these life-threatening serious adverse drug reactions in order to reduce the number of cases of SJS and TEN occurring in consumers.

What You Need to Know

If you have been diagnosed with Stevens-Johnson syndrome or toxic epidermal necrolysis, it is essential to learn more about these diseases, including information about common causes, symptoms, liability, and compensation. While SJS and TEN are relatively rare, they are debilitating and deadly.

What Causes Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis?

Adverse drug reactions are the most common cause of SJS or TEN. Where an adverse drug reaction causes SJS or TEN, the patient should stop using the medication immediately and seek medical treatment.

Even if you have not been taking a drug for a few days or a couple of weeks, it is critical to know that a reaction to a medication does not need to occur while you are presently taking the drug. The Mayo Clinic underscores that an adverse reaction resulting in SJS/TEN can occur for a short period of time after a patient has stopped using a medication.

Common types of medications that have been linked to SJS/TEN, or that may cause SJS, including but are not limited to anti-gout medications (like allopurinol), seizure medications (like anticonvulsants), drugs used to treat certain mental illnesses (including antipsychotic drugs), antibacterial sulfa drugs (known as sulfonamides, including sulfasalazine), drugs like nevirapine used to treat HIV infections (including Viramune and Viramune XR), ibuprofen (including Advil and Motrin), and other pain relievers like naproxen.

While SJS/TEN can affect anyone, some people have an increased risk of developing Stevens-Johnson syndrome. You may be at increased risk if you are being treated for seizures, gout, or mental illness, or if you have an HIV infection, a weakened immune system due to an autoimmune disease, cancer, a personal or family history of SJS, or certain genetic variations.

What Are the Symptoms of Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis?

Stevens-Johnson syndrome and toxic epidermal necrolysis are rare, and some symptoms can accompany other types of illnesses. Accordingly, it is extremely important to have symptoms of SJS or TEN assessed immediately by a healthcare provider so that you can begin treatment. This illness should be treated as a medical emergency that requires immediate medical attention.

The Mayo Clinic cites the following as common initial symptoms of SJS: fever, sore mouth, sore throat, fatigue, and burning eyes. As the illness worsens, a person will often experience symptoms that can include: widespread skin pain, a reddish or purplish spreading rash, skin blisters, blisters on the mucous membranes (of a person's mouth, nose, eyes, and genitals), and skin shedding after blisters have formed.

Toxic epidermal necrolysis is a severe form of SJS that will be diagnosed, according to the Mayo Clinic, when more than 30% of a person's skin surface has been affected by the illness and there is extensive damage to the patient's mucous membranes. Symptoms of TEN include those of SJS, but often in more severe or widespread forms. Examples include widespread skin pain, a spreading rash that covers more than 30% of the patient's body, large areas of blistering and peeling skin, and sores and swelling on the mucous membranes.

Complications of SJS and TEN can be serious and vary. Frequent complications include a blood infection or sepsis, dehydration, lung involvement (which can result in respiratory failure), eye problems, vaginal sores, and permanent skin damage.

Who is Liable for Cases of Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis?

A drug company may be liable for making and selling a drug that causes Stevens-Johnson syndrome or toxic epidermal necrolysis as a result of a defect in the design of the medication, a manufacturing defect that results in the drug being made improperly or being tainted, or a marketing defect in which doctors and consumers are not adequately or reasonably warned about the risks of developing Stevens-Johnson syndrome or toxic epidermal necrolysis after using the medication.

What Kind of Compensation Can I Seek if I File a Lawsuit?

If you file a lawsuit, you may be eligible to obtain multiple forms of compensation. While specific compensation will depend upon the particular facts of your case and the state in which you file a lawsuit, most injured patients are eligible to seek compensatory damages that are designed to compensate for losses. Compensatory damages include compensation for economic and non-economic losses. Those two types of compensatory damages can compensate a patient for various losses such as hospital bills, lost wages, follow-up doctor's appointments, reconstructive surgery, specialist appointments with a dermatologist, prescription medications, pain and suffering, disfigurement, and the loss of enjoyment of life.

When a loved one dies after developing Stevens-Johnson syndrome or toxic epidermal necrolysis, it may be possible to move forward with a wrongful death lawsuit. Wrongful death claims also allow certain surviving family members (and sometimes other parties depending upon the state where the claim is filed) to recover similar compensatory damages as in a personal injury lawsuit. Yet in a wrongful death lawsuit, compensation can also include funeral expenses, burial costs, lost future earnings of the deceased, and loss of the deceased's love and companionship. Some states allow surviving family members to seek compensation for their own pain and suffering due to the loss of a loved one.

The Importance of SJS and TEN

As a result of the magnitude of the injury from SJS and TEN, as well as the high mortality rates, these are two of the most serious adverse drug reactions. Indeed, according to a study in the *Journal of the American Academy of Dermatology*, due to the high mortality or morbidity rates of SJS/TEN, the adverse drug reactions that cause these diseases should be scrutinized, especially when assessing the risks and benefits of taking certain drugs.

The public health impact of Stevens-Johnson syndrome and toxic epidermal necrolysis cannot be understated. Although the rate of cases is low and the conditions are rare with only two cases per million people, SJS and TEN nonetheless “have a significant impact on public health because of high mortality” and “frequently lasting disability,” according to an article in the *Journal of Investigative Dermatology*. Indeed, an article in the *New England Journal of Medicine* underscores that, although SJS and TEN occur infrequently, the diseases can “kill or severely disable previously healthy people.” In response to some reported cases of SJS or TEN, drugs on the market have been withdrawn due to concerns about public health and safety.

Beyond mortality and disability rates alone, cases of Stevens-Johnson syndrome and toxic epidermal necrolysis have extensive financial costs. A report in the *Journal of Investigative Dermatology* indicates that, as of 2016, annual costs of treatment for SJS and TEN patients costs more than \$125 million annually. Those costs are five times higher than the cost associated with any other hospital admission.

Given the seriousness of SJS and TEN cases, the U.S. Food and Drug Administration (FDA) requires drug companies to pay special attention to life-threatening serious adverse drug reactions in order to reduce the number of cases of SJS and TEN occurring in consumers. FDA guidance underscores that, even in single cases, a serious adverse drug event may need to result in changes to consumer access. The FDA specifically cites Stevens-Johnson syndrome as an example of a single case that warrants attention.

State of Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis Cases in the Pandemic

The COVID-19 pandemic shifted the way many Americans approached healthcare and claims following adverse events, especially given that many courts closed physically during the early months of the pandemic. If you were diagnosed with SJS or TEN, you may be wondering if you will be able to file a claim and have your case heard. Generally speaking, pandemic delays have largely been cleared across the country, but different states, and even different counties, have different court rules and approaches.

Are Courts Backlogged?

Most courts across the U.S. have cleared backlogs associated with the pandemic. In the early months of the pandemic, many courtrooms closed except for essential hearings. In some jurisdictions, cases were heard remotely. As a result of closures and restrictions, courts did experience backlogs, including with personal injury lawsuits. Yet those backlogs are not a problem in most, if not all, of the country as of late 2021.

Can You Get Help Remotely?

If you want to learn more about filing a claim after a SJS or TEN diagnosis, you can seek help remotely from your own home. You can meet with potential lawyers over a remote video conferencing platform like Zoom, or you can schedule a phone consultation. Some courts are also continuing to permit virtual hearings, which means that you may not need to go in-person to any meetings or hearings related to your case. Virtual help is essential for many patients with SJS or TEN who are trying to recover from the debilitating illness.

Tips for Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis Cases

Patients with Stevens-Johnson syndrome or toxic epidermal necrolysis, or their families, should understand how the claims process works and what tips they should consider in seeking compensation for these illnesses. It is important to note that the claims process will often vary by state, so it is critical to understand the specific laws in the state where your Stevens-Johnson syndrome or toxic epidermal necrolysis claim is being filed. Statutes of limitations, and damages caps, will vary according to state law.

How the Claims Process Works for a Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis Case

The claims process for a Stevens-Johnson syndrome or toxic epidermal necrolysis case will usually begin with a medical assessment and diagnosis. You will need to have medical evidence of your illness in order to bring a claim against a healthcare provider or a drug company for injuries. Next, the claim process involves speaking with an injury lawyer about your case and having your claim assessed.

Once you have an attorney, the next step in the claims process is to file a lawsuit. Depending upon whether you are planning to sue a healthcare provider and/or a drug company, you will need to file a petition, and the defendant (or defendants) will be served. The defendant (or defendants) will then have an opportunity to file an answer. Once your lawsuit has been filed and these steps occur, you will need to understand the specific elements of the claim required for you to win your claim, and you will need to begin building evidence to support your case.

After a lawsuit has been filed, the next step in a claims process is discovery. During discovery, you and the defendant will have an opportunity to gather evidence to support your side of the case through requests for documents, interrogatories, and depositions. At any point after filing your claim, you can settle the case if the defendant is willing to offer a reasonable settlement.

If the claim does not settle, then pretrial motions will be filed, and the case will ultimately go to court. Even once a court date has been set and court hearings are underway, it is still possible to settle your case. Settlements can be beneficial for both parties, saving time and money on the legal process while still allowing the injured patient to receive fair compensation for losses. If there is no settlement, then a verdict will determine whether the plaintiff is entitled to damages and, if so, how much.

How to Determine Liability for Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis

Liability for a Stevens-Johnson syndrome or toxic epidermal necrolysis claim will depend upon the facts of your case. Typically a lawyer can assess your case to determine who may be liable.

Generally speaking, a healthcare provider may be liable if they prescribed the drug that led to SJS/TEN, or if they failed to diagnose your condition and it worsened as a result. A drug company may be liable if they were involved in any process of making or selling the medication that resulted in your SJS/TEN illness.

Compensation in a Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis Cases

Compensation in a Stevens-Johnson syndrome or toxic epidermal necrolysis will be based on the plaintiff's specific losses. Accordingly, every SJS/TEN case will have a slightly different settlement or damages award since each plaintiff will experience losses slightly differently. In general, compensation can include compensatory damages for a plaintiff's losses, which include both economic and non-economic losses.

Timeline for Filing a Stevens-Johnson Syndrome or Toxic Epidermal Necrolysis Claim

The timeline for filing your claim will depend on two key factors: the state in which you are filing a lawsuit, and whether you are filing a product liability lawsuit against the drug company.

Contact a National Stevens-Johnson Syndrome and Toxic Epidermal Necrolysis Injury Attorney for Assistance

It is critical to protect your right to compensation if you have been diagnosed with Stevens-Johnson syndrome or toxic epidermal necrolysis since a healthcare provider or drug company may be at fault. You can protect your rights by contacting an injury lawyer who will fight for your right to compensation. Why choose Greg Jones Law? Our firm has been advocating for patients and handling national SJS and TEN cases for years. We are committed to serving injured clients who are entitled to seek compensation for their losses. You can contact Greg Jones Law today at 855.566.3752 to schedule a free consultation to discuss your SJS or TEN claim.