

LEGAL EAGLE EYE NEWSLETTER

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Defamation: Doctoral Level Nurse's Lawsuit Against Physician Will Go Forward.

A physician with practice privileges at the hospital approached the hospital's Director of Inpatient Nursing near a nurses station and within earshot of several hospital employees and confronted her over the title "Doctor [Last Name]" on her uniform.

The physician asked her who Doctor [Last Name] is. When the Director replied that she is the Doctor, the physician asked her whom she had to sleep with to earn the title Doctor.

The Director sued the physician for defamation and intentional infliction of emotional distress.

She claimed damages in the form of medical expenses, lost future wages, anxiety and being held up to ridicule.

Her legal theory behind her case is that the physician falsely accused her of achieving her title and status which she did not deserve, not through years of hard work and competent training, but by providing sexual favors to those who were able to advance her career.

The US District Court for the Northern District of Mississippi ruled that the defamatory meaning of the physician's remark was clear from the remark itself, and no further explanation was needed for a jury to construe the remark as defamatory.

The Court went on to rule that the Director did not have to prove any actual pecuniary loss from the physician's remark.



It is beyond speculation that the physician's remark clearly accused the hospital's director of nursing of sleeping her way to the title of Doctor.

In fact, the director has a Doctor of Nursing Practice and other advanced degrees and certifications.

The physician's remark is actionable as it would tend to hold the victim up to ridicule.

UNITED STATES DISTRICT COURT
MISSISSIPPI

September 23, 2024

The physician's remark carried a clearly defamatory meaning from which the law would presume harm was done.

Defamation is a false statement of fact that tends to injure another person's reputation, or to diminish the esteem, respect, goodwill or confidence by which the victim is held in the eyes of others.

Defamation can also be a statement about the victim that excites adverse, derogatory or unpleasant feelings or opinions by others.

The Court took special note of the context in which the physician's remark was uttered.

It was in the victim's place of employment within earshot of persons with whom the victim worked and over whom the victim had a degree of supervisory authority.

The victim needed the respect and loyalty of her coworkers and subordinates to do her job in any meaningful way, and could not afford any diminution of that respect and loyalty.

The remark clearly took issue with the victim's competence for her job and alleged that dishonest and reprehensible means were employed to get her job.

Discrediting a professional person in a pertinent professional setting is particularly troubling, as it could easily damage the victim in the ability to practice her profession. ***Director v. Physician, 2024 WL 4267987 (N.D. Miss., September 23, 2024).***

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