

LEGAL EAGLE EYE NEWSLETTER

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PTSD: Court Upholds Work Comp Award For Psych Nurse Disabled By Migraines.

As a general rule, workplace stress is not covered by worker's comp even if the stress becomes so severe that the worker needs treatment for physical or psychological symptoms, has to take time off or becomes disabled from doing the job any further.

Stress / Mental Illness as Occupational Disease

On the other hand, some occupations place special stresses on workers, stresses not ordinarily faced by people in general in their day-to-day travails in the workplace, special stresses for which some workers are entitled to worker's compensation for stress as an occupational disease.

A recent case from the Court of Appeals of North Carolina involved a psychiatric nurse who faced both kinds of stresses on the job.

Everyday Workplace Stress Not Compensable Under Worker's Comp

The nurse had serious problems with her supervisor not backing her up in disputes with mental health assistants whom the nurse supervised. They were not doing their assigned patient-care tasks and would become angry and disruptive when the nurse confronted them. Although it made her life very trying on the job, stress from difficult interaction with difficult subordinates,



A nurse caring for a special selection of patients has a job involving special stresses to which the working population in general is not exposed.

Treatment errors at any time can result in death, and at least once a treatment error in the nurse's workplace did result in a child-patient's death.

PTSD is an occupational disease for this nurse.

COURT OF APPEALS NORTH CAROLINA
September 2, 2003

co-workers and supervisors is not the sort of thing the law usually recognizes as an occupational disease, no matter how genuinely debilitating that stress may actually become.

Special Stresses Faced By Caregivers In Special Care Settings

On the other hand, this nurse was also profoundly affected by the death of a pediatric psych patient at the facility. Although she was not responsible, she began to focus apprehensively on the personal guilt and professional repercussions if such an event were to recur on her watch.

Her psychiatrist pointed to post-traumatic stress disorder over events like the child's death as the primary cause of her disabling migraine headaches. Tragic events like that can place special burdens on workers in certain care settings above and beyond and of a different character than the everyday stresses many workers routinely face.

The court concluded her migraines from PTSD were an occupational disease, due to factors peculiar to and characteristic of her specific occupation and not due to the types of stress ordinarily borne by the workforce at large. **Smith-Price v. Charter Pines Behavioral Center**, __ S.E. 2d __, 2003 WL 22037746 (N.C. App., September 2, 2003).

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