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## No Liability For Abandonment Of Patient When Patient's Family Threatens Nurse, Court Says.

**A** patient underwent diagnostic testing which revealed she had a herniated disk which would require surgical intervention. However, as the patient also suffered from high blood pressure, atherosclerotic coronary artery disease, angina pectoris and chronic obstructive pulmonary disease from many years of heavy smoking, the surgeon wanted an internist to see the patient to evaluate the safety of going ahead with surgery.

The internist expressed concern over an apparently occluded carotid artery, and advised against surgery, pending further testing. The surgeon sent the patient home for the weekend.

According to the Supreme Court of Oklahoma, the patient's son at this point became irate. He angrily confronted and threatened a nurse in the physician's

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***There were grounds to refuse further care without incurring legal liability for abandonment of a patient after the patient's son confronted the nurse, threatened the nurse on the phone, and said he would be contacting his attorney.***

***The patient must be notified there has been a decision to refuse further care and given an opportunity to seek out care from other sources.***

SUPREME COURT OF OKLAHOMA, 1996.

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office. The son later phoned the office, repeated the threatening language, and stated that he was in the process of contacting his lawyer.

The physician, on the grounds that the mutual trust necessary to the physician-patient relationship was no longer present, called the son back, told him he could not offer further care to his mother, and gave him the names of three other physicians to contact.

The court ruled that threatening language or conduct toward a nurse or other caregiver constitutes valid grounds to refuse further care to the patient, without incurring legal liability in a civil suit for abandonment of a patient, assuming that the patient has been notified that further care will be refused and afforded the opportunity to seek care elsewhere. ***Sparks vs. Hicks***, 912 P. 2d 331 (Okla., 1996).