

Patient Abandonment: Court Agrees With Nursing Board, Upholds Disciplinary Action.

An LPN was employed by a nurse-staffing agency with a contract to provide nursing personnel for a hospital's med/surg unit.

On the 7:00 p.m. to 7:00 a.m. shift she was assigned five patients. One had COPD. One was recovering from surgery. Another was a prenatal patient on the med/surg unit with a fetal heart monitor. All the patients were basically stable, except the prenatal patient for whom the LPN was trying to get an obstetrician to come to the unit for an exam and consult.

The LPN became ill between 4:30 and 5:00 a.m. She vomited in the bathroom. She went to the nurses station and told the four other nurses on duty that she was leaving.

The charge nurse told her to find the house supervisor before exiting the premises. She was to inform the supervisor she was leaving before the end of her shift.

The LPN did not communicate with the nursing supervisor. She gave as her reason that she did not want to be sent to the emergency room and billed for an emergency-room visit. She claimed she intended instead to see her family physician first thing in the morning.

The next day the hospital informed the staffing agency they were terminating the LPN's contract. The hospital reported the LPN to the state Board of Nursing.

The Court of Appeals of Tennessee agreed with the Board that the LPN wrongfully abandoned her patients and upheld the \$1000 penalty the Board imposed. The most telling factor was that the LPN's assigned patients were indeed in need of nursing care when she walked out on them.

The Court, however, overruled the Board's suspension of her license pending a psychological evaluation. There was no basis for the Board to suspect from her conduct that the nurse had a psychological condition that affected her fitness to practice as a nurse. **Miller v. Tennessee Bd. of Nursing, 2007 WL 2827526 (Tenn. App., September 26, 2007).**

A nurse-patient relationship begins when a nurse accepts responsibility for a patient's nursing care.

For a nurse to be guilty of patient abandonment, the nurse must:

Accept the patient assignment, thus establishing a nurse-patient relationship; and then

Sever the nurse-patient relationship without giving reasonable notice to the appropriate persons, that is, a supervisor and the patient, so that arrangements can be made for continuation of nursing care by others.

The courts have softened the definition of abandonment somewhat.

The courts say that abandonment does not occur unless the nurse's patient or patients actually require nursing care before another nurse is able to take over.

Four of this nurse's patients were scheduled to receive medications they did not get on time because she left before the end of her shift. A fifth patient was in early labor on a fetal heart monitor which had to be watched by a trained person.

COURT OF APPEALS OF TENNESSEE
September 26, 2007
