

Abuse: Male Nurse's License Revoked For Misconduct With Vulnerable Female Patients.

The nurse got his license in 1978 and worked at the same hospital more than twenty years before his termination.

After an allegation of sexual abuse against the nurse was ruled unfounded the nurse manager nevertheless met with all the male nurses informally to communicate suggestions for male nurses providing intimate care to female patients. The male nurses were advised to have a female "chaperone" present to protect female patients' dignity and to protect male nurses from allegations of misconduct.

The male nurse, however, was later accused of a number of additional violations of nursing standards. This time the facts were verified by five co-workers in the hospital's emergency department.

The allegations centered on his conduct with young, female, intoxicated patients, some in four-point restraints, with whom he was caught alone in the bathroom or in treatment rooms with the curtains drawn or the doors locked or barricaded with equipment or carts.

One of the nine separate incidents went beyond suspicious circumstances. The nurse was caught in the act sexually abusing a patient under his care in a treatment room with a cart placed behind the closed door to hinder entry by other staff.

The Supreme Court of Massachusetts ruled that that incident alone would justify revocation of the nurse's license. **Duggan v. Board of Registration in Nursing**, 456 Mass. 666, ___ N.E. 2d ___, 2010 WL 1797114 (Mass., May 7, 2010).

A male nurse declining assistance from a female nurse or nurses aide for intimate care of a female patient is considered an "atypical circumstance" which may be viewed as evidence of intent to engage in improprieties or abuse of female patients.

State nursing regulations prohibit mistreatment in the form of improper confinement of patients, require nurses to protect patient dignity, require nurses to promote public confidence in the nursing profession and require nurses to observe appropriate professional boundaries with patients.

This nurse was guilty of a continuing pattern of intentional behavior which amounts to gross misconduct.

SUPREME COURT OF MASSACHUSETTS
May 7, 2010