

Back Injury: Court Rules Nurse Does Not Have A Disability.

While she was recovering from back surgery to correct the effects of three on-the-job injuries the hospital provided an RN with a temporary light-duty accommodation. Unlike other nurses, she did not have to lift, pull or turn patients, push wheelchairs or do any physical tasks in excess of the ten-pound lifting restriction her physician imposed.

Eventually human resources insisted the temporary accommodation had to end and the nurse had to settle into a permanent position. The nurse declined a case manager position which happened to be open, voicing a preference to remain in direct care with a no-lifting accommodation.

Her preference was not honored. She sued for disability discrimination.

The US Court of Appeals for the Sev-

The US Supreme Court and the US Equal Employment Opportunity Commission (EEOC) have explicitly said that a nurse's physical inability to work any longer in the nurse's position of choice, direct patient care, is not what the law contemplates as a disability.

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT
August 16, 2007

enth Circuit reiterated what the courts and the EEOC have been saying all along.

The Americans With Disabilities Act does not confer any rights on a direct-care nurse whose lifting capacity due to a back injury does not meet the employer's legitimate requirements. Squibb v. Memorial Medical Center, __ F. 3d __, 2007 WL 2325173 (7th Cir., August 16, 2007).