

LEGAL EAGLE EYE NEWSLETTER

October 1996

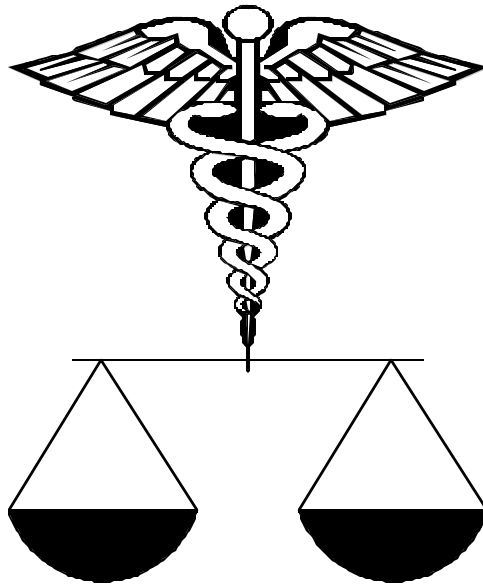
For the Nursing Profession

Volume 4 Number 13*

Hearing-Impaired Nurse: Court Ruling On Reasonable Accommodation To Disability.

Reasonable accommodation to an employee's disability, mandated by the Americans With Disabilities Act (ADA), in general can include job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment of modifications of examinations, training materials or policies and the provision of qualified readers or interpreters, according to a recent decision handed down by the U.S. Circuit Court of Appeals for the Seventh Circuit (Indiana).

In this case a hearing-impaired nurse, a new-hire at the hospital, was placed on a probationary basis in an eight-week certification course to become a certified nephrology nurse in the hospital's hemodialysis unit. He was unable to complete the course, however, because the unit's medical equipment, including dialysis machines and blood pressure and heart monitors, had different auditory alarms to signify critical changes in the patient's medical condition. With his hearing impairment, he could not distinguish between the different alarms. He admitted the alarms left him disoriented and confused, and he felt he would not be able to respond appropriately in a critical situation.



While orienting to the dialysis unit, this nurse's hearing disability became a problem. The equipment had alarms to signify changes in the patient's condition. The nurse's impaired hearing kept him from distinguishing the alarms and left him confused. He was not able to respond appropriately in critical situations.

UNITED STATES COURT OF APPEALS,
SEVENTH CIRCUIT (INDIANA), 1996.

As the nurse could not give safe and effective patient care in the dialysis unit, and the hospital could not modify the equipment or his duties to accommodate his hearing impairment, he was not a qualified individual with a disability as defined by law, according to the court, in the dialysis unit.

The court ruled the hospital satisfied its duty of reasonable accommodation by offering him the option to resign and reapply for a position in orthopedics, a field in which he had nursing experience, where the hospital had an opening, and where his hearing impairment would not have been an issue.

The nurse chose instead to quit and file a lawsuit. He claimed the hospital's refusal to transfer him to orthopedics was disability discrimination. The nurse, as a new hire, was not entitled under existing hospital personnel policies to transfer to another unit in the event the position for which he was hired did not work out during his probationary period. The court upheld the hospital's policy of requiring any new hire whose initial nursing placement did not work out to resign and reapply for a suitable opening, rather than having the automatic option to transfer. **Schmidt vs. Methodist Hospital of Indiana, 89 F. 3d 342 (7th Cir., 1996).**

Inside this month's issue ...

October 1996

New Subscriptions: Page 2

***A Note To Librarians, Page 5**
Hearing-Impaired Nurse/Disability/Reasonable Accommodation
Potentially HIV-Infectious Blood - Nurse As Patient Advocate
Patient's Threats - Medicaid - Nursing Home Resident's Fall
Patient Unable To Void - Same-Sex Caregivers/Discrimination
Diphtheria, Tetanus And Pertussis/CDC Vaccine Information
Materials Abuse Of Patients/Nurse Fired - Discharge/Retaliation
Insulin Overdose/Nurse Liable For No-Code Patient's Death.