

Discharged Patient Drives Under The Influence: Court Vindicates Nurse's Response.

The patient was discharged after being given 4 mg of Dilaudid for an outpatient medical procedure at the hospital.

Even though he was instructed not to drive until the effects of the Diladid had worn off a nurse saw the patient leaving the hospital parking lot driving a semi tractor-trailer truck.

The nurse phoned the police and reported the patient was driving under the effects of a powerful narcotic. A patrol car spotted him and pulled him over. A standard roadside horizontal-gaze nystagmus test gave grounds to take the driver to the station for a urine sample that confirmed he could be held for driving illegally.

The caller identified himself to the police as a nurse from the hospital and explained that the patient had driven away still under the influence of a powerful narcotic medication, even though he had been told not to drive.

The nurse's explanation of the potentially dangerous effects of Dilaudid on a person's ability to drive gave the police grounds to pull him over.

COURT OF APPEALS OF OHIO
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The Court of Appeals of Ohio upheld the patient's detention and arrest. Based on the nurse's phone conversation with the police dispatcher the patrol officers had reasonable suspicion to pull him over for field sobriety testing which revealed signs of intoxication and gave them probable cause to get him off the road. State v. Cummings, 2008 WL 2940817 (Ohio App., August 1, 2008).