

Emergency Room: Patient Can Sue Over Nurse's Statement Insinuating Drug-Seeking Behavior.

The patient went to the hospital E.R. and asked to be treated for a medical condition which he said was causing him a lot of pain.

He was seen by the nurse and then left alone in the waiting area.

While he was sitting in the waiting area moaning in pain another patient got up, approached the nurse and told her the patient was in a lot of pain.

The nurse reportedly told the other patient not to be concerned, since the patient in question was, "only here for drugs."

The patient in question sued the nurse and her employer for defamation, slander and intentional infliction of emotional distress.

The Superior Court of Connecticut ruled the patient's lawsuit stated a valid premise.

It is slanderous per se to accuse another person falsely of a crime in the presence of others or to make such a false accusation to a third party.

It is a criminal offense to obtain or attempt to obtain a controlled substance by fraud, deceit, misrepresentation, subterfuge, forgery, alteration of a prescription or written physician's order or by the concealment of material facts.

SUPERIOR COURT OF CONNECTICUT
October 29, 2010

The nurse's statement implied that the patient in question was attempting to procure drugs he did not need for medicinal purposes, which is a crime.

Falsely accusing another person of a crime in the presence of a third party, or making such a statement to a third party is slanderous *per se*, meaning that the victim is not necessarily required to prove that the statement caused harm to his or her reputation in the eyes of the third party, who in this case was a complete stranger.

That being said, the Court's ruling merely upholds the patient in question's right to his day in court. In trial he will have the burden of proof that it was a false statement that he was in the E.R. only to obtain drugs he did not need for a medical condition. Hauer v. Eastern Connecticut Health Network, 2010 WL 4884688 (Conn. Super., October 29, 2010).