

Evangelizing: Nurse's Freedom Of Religion Not Violated.

A nurse consultant with the state department of public health went to interview a male homosexual AIDS patient in his home he shared with a male partner. After she expressed to them her religious beliefs that homosexuality was immoral they sued the state for discrimination, but their case was dismissed.

Employees in general have the right to express their religious beliefs and in general have the right to expect their employers to offer reasonable accommodation to their religious practices.

On the other hand, public healthcare agencies have a strict legal obligation to provide care in a religion-neutral environment.

On balance, it is not discriminatory to discipline an employee for evangelizing personal religious beliefs to patients.

UNITED STATES COURT OF APPEALS,
SECOND CIRCUIT, 2001.

The nurse was disciplined with a two week suspension. She sued the state herself. The US Circuit Court of Appeals for the Second Circuit threw out her lawsuit.

It is not a violation of freedom of religion or religious discrimination in employment for a public agency to prohibit employees from evangelizing their religious beliefs to their patients, the court ruled. *Knight v. Connecticut Department of Public Health*, 275 F. 3d 156 (2nd Cir., 2001).

Side Effects Of Medications: Court Says Nurse Not At Fault For Patient's Auto Accident.

A patient was being treated in the doctor's office for lower back pain two months after discharge from the hospital for a herniated disk.

Treatment included injections of Demerol and Phenergan. Before the day in question the patient had been to the office six times for therapy and had received these medications.

Assessment / Warnings Were Charted

On the day in question, before administering the medications, the nurse asked the patient if he had ever had any problem driving home after receiving the medications. He denied any prior problems.

The nurse noted in the chart that she told the patient after administering the medications that he should not drink alcohol, not drive an automobile and not operate machinery for at least twelve hours.

The medications were given between 11:30 a.m. and noon. The patient left the office at 12:30 p.m. At 6:45 p.m. he was involved in a motor vehicle accident. The police took blood and urine samples after the accident which were positive for marijuana, the court pointed out.

Nurse Ruled Not Negligent

The other motorist sued the patient as well as the doctor who was the nurse's employer. The Court of Appeals of Georgia ruled there were no grounds for the suit against the doctor for the nurse's conduct.

The nurse did everything she was expected to do. She assessed the patient, warned the patient of specific potential side effects and charted what exactly she told the patient.

There is no legal duty or legal right in this situation for a healthcare provider to control a patient's behavior by trying to do more than the nurse did. As a general rule no one has the right to control another's behavior and has no responsibility for another's actions, unless there is a special circumstance like a patient being involuntarily committed for psychiatric care. *Shortnancy v. North Atlanta Internal Medicine, P.C.*, 556 S.E. 2d 209 (Ga. App., 2001).

The nurse and doctor are not liable to the other motorist for this collision. The nurse did everything that was expected of her as a healthcare professional.

When prescribing or administering medications that can cause sedation which can pose a hazard when operating a motor vehicle, healthcare providers have the legal obligation to assess their patients, warn them of side effects and urge them to be careful.

There is no legal duty to restrain or control a patient's behavior outside the involuntary psychiatric treatment setting.

As a general rule the law imposes no duty on one person to control the conduct of another person to prevent the other person from causing harm to a third party.

An exception to the general rule exists for patients who have been committed involuntarily for psychiatric treatment on the grounds they pose a threat of harm to others. Their caregivers do have the legal obligation to control them to prevent them from harming others.

COURT OF APPEALS OF GEORGIA,
2001.