

Gender-Based Patient-Care Assignments: Male Psych Aide's Case Dismissed.

A non-licensed male caregiver employed as a Unit Treatment Rehabilitation Specialist in a state facility serving forensic and civilly-committed psychiatric patients filed a gender-discrimination lawsuit against his employer.

His lawsuit challenged the facility's practice of allowing physicians to write orders specifying staff gender for 1:1 supervision of patients who required staff to be assigned on a 1:1 basis due to their extreme propensities for acting out.

As a general rule a facility would commit discrimination against its employees by assigning caregivers to particular tasks based on the caregiver's gender.

However, this facility had legitimate grounds to allow staff physicians to write orders specifying the gender of the person to sit with a particular patient 1:1.

UNITED STATES DISTRICT COURT
FLORIDA
December 3, 2009

The US District Court for the Northern District of Florida threw out his case.

He is a male caregiver; many of his assignments were difficult patients. However, there was no proof that male staff were disproportionately given the difficult patients. Female staff were also assigned to difficult patients for whom male caregivers were seen as inappropriate.

The Court presumed that any order specifying the gender of a 1:1 sitter was written because the patient was known to act out toward staff of the other gender. The Court did not need to see the rationale explained in the order or the progress notes each time such an order was written. **Calhoun v. Florida State Hosp.**, 2009 WL 4728028 (N.D. Fla., December 3, 2009).