

Hostage Crisis: Court Says Nurse Can Sue Over Substandard Law Enforcement Training.

A reserve sheriff's deputy with no training in handling prisoners was assigned to guard a recently-arrested criminal suspect recovering in the hospital ICU from an overdose of OxyContin ingested right before he was taken into custody.

The inexperienced officer did not have the patient shackled bodily to the bed and left the handcuffs off after the patient finished eating.

The prisoner grabbed the officer's gun, fired a shot into the ceiling and took a nurse hostage. Eventually a savvy hostage negotiator was able to trade him narcotics for the gun and then trained deputies quickly overpowered him.

A nurse on duty in the ICU who was not the nurse taken hostage sued for PTSD from the incident. The Court of Appeal of Louisiana ruled the sheriff's department was liable to the nurse for damages for negligence for sending a deputy with substandard training. **Thomas v. Sheridan**, 2008 WL 426289 (La. App., February 8, 2008).

Nurse Did Not Investigate Patient's Insurance: Lawsuit Thrown Out.

The Court of Appeals of Michigan threw out a convoluted lawsuit which alleged that a hospital staff nurse was responsible for a patient's death after a ruptured aortic aneurysm.

The patient checked into the hospital to have the aneurysm repaired. However, his platelet count was too low and the surgery had to wait a day or two. It was unclear if his insurance would pay for him to stay over in the hospital. The patient did not want to be billed. A nurse offered to contact his insurance, but he declined the offer and checked himself out of the hospital. Then the aneurysm burst. It was repaired but the patient died a month later from complications.

The court ruled it would violate the basic principle of medical self-determination to hold the nurse responsible for not investigating the patient's insurance coverage after the patient himself had asked her not to do so. **Johnson v. Botsford General Hosp.**, ___ N.W. 2d ___, 2008 WL 681211 (Mich. App., March 11, 2008).

Patient Photographed Without Consent: Court Says Patient's Privacy Rights Were Violated.

A pharmacy intern used his cell phone to photograph a classmate on a hospital patient-care floor. In the photograph background was a patient being attended by a group of medical interns and other hospital staff.

The patient's nurse insisted the pharmacy intern delete the photo from his cell phone on the grounds that photographing a patient is a violation of patient confidentiality. The intern immediately deleted the photo.

The pharmacy intern was ordered by his supervisors to apologize to the patient's nurse in writing and to review his course materials on patient confidentiality and the US Health Insurance Portability and Accountability Act (HIPAA). That, he was told, would clear the incident from his record.

The pharmacy intern who took the photo was told the incident would be cleared up by a written apology to the patient's nurse and review of the course materials on patients' privacy rights.

Then he was terminated from his internship with a failing grade and has been unable to obtain his degree.

His own rights seem to have been violated by the punishment meted out.

UNITED STATES DISTRICT COURT
TEXAS
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However, the intern was failed in the course and suspended from the program. He has not been able to complete his training elsewhere.

The US District Court for the Southern District of Texas said the nurse was right to insist that the photo be deleted from the intern's cell phone. It does not matter if the patient is the subject in the foreground or part of the background or if the photo was taken with no intent to infringe on the patient's rights. Photographing a hospital patient without the patient's consent is a violation of the patient's right to medical confidentiality.

The court nevertheless did see a problem with the severity of the punishment meted out to the intern for this offense. **Strango v. Hammond**, 2008 WL 501322 (S.D. Tex., February 21, 2008).