

Discrimination: Med Errors Are Grounds For Termination.

An African-American nurse was hired by a nursing home and, after a few days of orientation, was placed in the position of charge nurse. She was given the key to the locked medication cart and the key to the narcotics box locked within the locked medication cart.

Five days after being hired she was written up for a medication error, that is, a 2.5 cc discrepancy came up with the liquid morphine in the narcotics box.

The next day she was written up for showing poor nursing judgment for giving multiple prn medications to a patient which resulted in a decrease in level of consciousness and difficulty breathing which required the physician to be notified.

After being terminated she sued for racial discrimination.

When the employer has an apparently legitimate reason or reasons for terminating an employee, it is up to the employee to convince the court the employer's stated reasons are merely a pretext for an underlying discriminatory motivation.

UNITED STATES DISTRICT COURT
ARKANSAS
August 7, 2006

The US District Court for the Eastern District of Arkansas ruled the nurse employee was unable to come up with proof of any discriminatory motive behind her former employer firing her for two serious medication errors in two days during her first week on the job, and dismissed her discrimination case. Johnson v. Oakdale Nursing Facility, 2006 WL 2311107 (E.D. Ark., August 7, 2006).