

LEGAL EAGLE EYE NEWSLETTER

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Nurse As Patient's Advocate: Court Upholds Nurse's Wrongful Termination Lawsuit.

An African-American registered nurse case manager became concerned that an African-American patient admitted to the hospital for sickle cell anemia was in significant pain and was not receiving due attention from the physicians.

She complained to the resident physicians and to her nurse manager. Her nurse manager told her to stop undermining the physicians and to stop trying to manage the patient's case, even though managing the patient's care was one of her job responsibilities as a nurse case manager.

Several days after she complained the nurse was terminated for undermining a physician. She sued her former employer for race discrimination and for wrongful termination in violation of public policy.

The US District Court for the Northern District of Oklahoma ruled there were grounds for her to sue for wrongful termination.

Although the Court did not see race as the core legal issue, the Court did note for the record that the nurse was the only African-American nurse involved in the patient's care, the patient was African-American and was in the hospital for a condition that tends to afflict African-Americans and none of the physicians were African-American.



The nurse complained to the resident physicians and to her supervisor that the patient's needs were being ignored.

The nursing supervisor told her to stop undermining the physicians and to stop trying to manage the patient's case, even though managing the patient's care was one of her job responsibilities as a nurse case manager.

UNITED STATES DISTRICT COURT
OKLAHOMA
September 25, 2013

Violation of Public Policy

As a general rule an employee can be let go by the employer at any time for any reason if the employee does not have an employment contract or is not subject to a collective bargaining agreement that vests the employee's employment status, with certain exceptions.

One major exception to the general rule has been created by the courts to protect an employee who refuses to commit an act which would violate public policy. A nurse failing to advocate for a patient would be a violation of public policy as defined by legal and professional nursing standards.

Nursing standards require that patients receive care that is up to medical standards, and if proper care is not being provided the nurse is required to advocate for the patient.

When the nurse did complain, the physicians told her the patient "did not warm our hearts." The nurse took that as an unacceptably callous and uncaring attitude toward the significant pain the patient was experiencing and as a basic disregard by the physicians of the patient's urgent medical needs.

The nurse could not be fired for doing her legal duty. She has the right to sue for wrongful termination. **Robinson v. St. John Med. Ctr., 2013 WL 5407592 (N.D. Okla., September 25, 2013).**

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