

## Confidentiality: Statements To Nurse While In Police Custody Are Privileged.

The driver in an early-morning one-vehicle accident was arrested for drunk driving and taken to a hospital for treatment of his injuries.

During his conversations with the hospital's emergency-room triage nurse he made several incriminating statements about his involvement in the accident.

Later on in court the driver's attorney argued that his client's statements to the nurse came under the so-called doctor/patient privilege and could not be used against him in court.

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***Unless the patient waives the privilege, a person licensed to practice medicine [or] registered professional nursing ... shall not be allowed to disclose any information acquired in attending a patient in a professional capacity ... which was necessary to ... act in that capacity.***

JUSTICE COURT  
MONROE COUNTY, NEW YORK  
August 8, 2005

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The Justice Court, Monroe County, New York agreed.

The nurse was obligated by the medical privilege not to reveal any information gained from her patient in the course of rendering treatment to him.

Further, the patient's statements to the nurse which were overheard by the police officer who was guarding the patient could not be repeated in court by the police officer. Medical confidentiality is strictly protected by law. **People v. Jaffarian, 799 N.Y.S.2d 733 (N.Y. Justice Court, August 8, 2005).**