

# LEGAL EAGLE EYE NEWSLETTER

September 1996

*For the Nursing Profession*

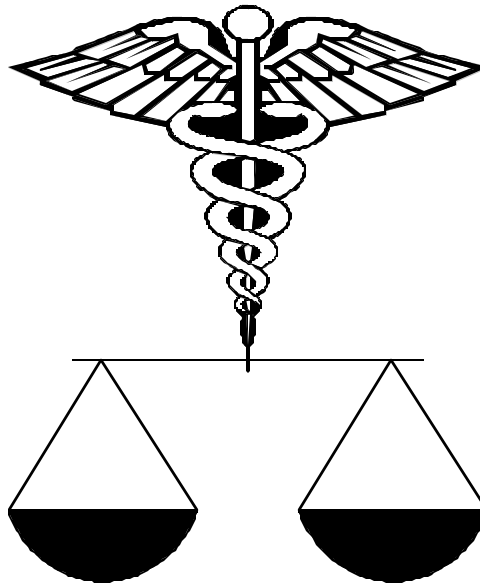
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## Nursing Progress Notes: Nurse Can Be Fired For Charting Subjective Opinions.

**A** certified rehabilitation registered nurse filed a civil wrongful termination lawsuit against her former employer, seeking a court order of reinstatement to her former position and an award of monetary damages. The U.S. District Court for the District of Columbia dismissed the suit. The court ruled that the hospital was justified under the circumstances in terminating the nurse for unprofessional conduct.

The nurse was counseled repeatedly by her nursing supervisor prior to her termination that her subjective method of documentation was unacceptable and warned that if she persisted she would be terminated for violation of hospital policies. She was told it was appropriate and actively encouraged to discuss her concerns over patient care issues orally with other team members, but not to place inappropriate subjective personal comments in patients' charts.

One patient's physician complained the nurse's entry in one of his patient's medical progress notes was an attempt by the nurse to dispute a physician's medical diagnosis of his patient and an attack upon his medical judgment. Specifically, the physician expressed his deep concern to the nursing supervisor



***Healthcare institutions can require nurses to limit their progress note entries to observations and occurrences objectively recorded, and can fire nurses who violate institutional policies which forbid nurses from placing their personal subjective opinions about patient care issues in patient's medical charts.***

UNITED STATES DISTRICT COURT,  
DISTRICT OF COLUMBIA, 1996.

over a progress note entry which recited at length the commonly known potential side effects of Tegretol and stated in general terms that Tegretol and other medications the patient was getting were known to be able to potentiate each other.

The nurse's actual termination followed a series of disciplinary write-ups, the last one for penning a note in a patient's chart on the midnight shift that the patient was, "... *staff splitting and manipulating staff, possibly premonitory to have her needs met .... per report, patient creating some behavior between her mother and stepfather, creating conflict between them.*" The nurse went on to question, "*How can agreements and contracts be made with patient about issues concerning her behavior .... when patient can't participate actively in her prescribed treatment with her deficits?*"

The court agreed with the hospital's judgment that these progress note entries were inappropriate editorial exercises by the nurse based on her reading of other staff members' charting and did not belong in a patient's medical records. The court ruled the hospital was justified in firing this nurse for her persistent unprofessional charting. **Domen vs. National Rehabilitation Hospital, Inc., 925 F. Supp. 830 (D.D.C., 1996).**

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