

Narcotics Diversion: Court Discounts Fired Nurse's Version Of The Story.

After the hospital terminated her a licensed practical nurse sued for age and gender discrimination and retaliation for using medical leave guaranteed by the US Family and Medical Leave Act.

The hospital countered her lawsuit with circumstantial evidence the LPN had been diverting narcotics.

The US District Court for the Southern District of Indiana ruled in favor of the hospital.

Evidence of Narcotics Diversion

The hospital had a computerized dispensing system which recorded all withdrawals of narcotics. The first hint of trouble was a system report that the nurse in question, for three weeks in a row, was drawing out hydrocodone on a much more frequent statistical basis than other nurses.

Direct investigation revealed much of the hydrocodone supposedly drawn out for specific patients was not recorded in her patients' charts as actually given.

The nurse in question also seemed too often to draw out narcotics ordered pm for other nurses' patients, who were also getting the same doses of narcotics properly drawn out, administered and charted by their own nurses.

She also claimed she was just trying to help out by getting narcotics for nursing students so they did not have to bother their busy instructors.

If pills were being wasted, as she said, there still was no documentation of the wasting being witnessed by another nurse per hospital policy.

The nurse claimed her charting was substandard because she was distracted by personal stress off the job, but the court found that at best highly dubious in light of the other evidence of diversion. **Hurst v. Ball Memorial Hosp., Inc.**, 2007 WL 1655794 (S.D. Ind., June 1, 2007).