

Wrongful Termination: Nurse Refused To Alter Chart, Has Grounds For A Lawsuit.

The nurse called the attending physician for permission to give more of a pm anxiety medication early, believing the psychiatric patient was having anxiety and showing extrapyramidal signs (EPS).

The physician told her to give Haldol, which would only tend to increase EPS if that was what was happening. She did give the Haldol and the EPS seemed to increase, so she got another nurse to call and advocate again for the anti-anxiety med. The physician ordered Cogentin. Another physician came in and ordered Benadryl and that finally calmed the patient down.

Two days later the nurse manager and the director of behavioral health ordered the nurse to remove her progress note, re-write portions they had bracketed for emphasis as not to point fault at the attending physician and insert the new progress note in the chart. She refused and was fired.

Removing or altering progress notes in a patient's chart after the fact is conduct for which a nurse's license can be taken.

A nurse cannot be disciplined or terminated for refusing to do something which is illegal and which could result in loss of the nurse's license.

MISSOURI COURT OF APPEALS
February 13, 2008

The Missouri Court of Appeals ruled the nurse had grounds to sue her former employer for damages for wrongful termination. Hughes v. Freeman Health System, __ S.W. 3d __, 2009 WL 351095 (Mo. App., February 13, 2009).