

Adoption: Nurse Acted As Go-Between, Termination Upheld.

The hospital has an express policy on adoptions. Responsibility is vested with hospital social services. Only those staff members directly assigned to the case are allowed access to information about the case.

Employees of the hospital often have access to intimate facts regarding patients and their treatment.

The hospital's policy is to protect the privacy of each patient concerning his or her treatment.

Only hospital clinical staff assigned to care for the patient are authorized and qualified to discuss and evaluate among themselves, in private, the condition of the patient or the effectiveness of treatment.

Confidential information about any patient is never to be revealed to anyone outside the hospital.

Hospital employees are made aware during orientation and training of their obligations under Federal and state law to protect patient confidentiality.

Violation of the hospital's policies concerning patient confidentiality is grounds for dismissal, and every hospital employee has been informed of the hospital's policy.

COURT OF APPEALS OF TENNESSEE
October 13, 2009

The hospital social worker was in the process of contacting licensed adoption agencies on behalf of an underage mother who had just given birth at the hospital and had expressed a desire to put her newborn up for adoption.

A nurse at the hospital, one who was never assigned to care for the patient in question, learned of her situation through the hospital's gossip grapevine. On her own initiative the nurse got in contact with a friend whose daughter she thought might be interested in adopting a child.

The nurse's friend's daughter said she was interested, so the nurse got her permission to give her name and number to the patient.

The nurse then went to see the biological mother in her room while she was still a patient at the hospital and told her she knew of a potential adoptive family. The biological mother said she would like to speak with them and the nurse left the contact information.

The biological mother's parents got in touch with the other family. That contact eventually resulted in a legal adoption.

Nurse Terminated for Violation Of Patient Confidentiality

When the nurse's supervisors learned what she had done she was terminated for violation of patient confidentiality. The Court of Appeals of Tennessee ruled she had no legal grounds to sue the hospital for wrongful termination.

For the record and to back up its decision the Court pointed to a progress note penned by the patient's own nurse.

The birth mother abruptly told her own nurse she was no longer interested in following through with the adoption process already set in motion by hospital social services after another nurse whom the patient had never seen before came to her room and told her she knew someone who was interested in adopting.

After the other nurse told her and her mother to keep it secret what they were up to, the mother suddenly stopped cooperating with her assigned nurse's and social worker's care planning and stopped returning calls to the adoption agency. **Morton v. Covenant Health Corp., 2009 WL 3270180 (Tenn. App., October 13, 2009).**