

Nurse As Patient Advocate: Court Sets Standards.

A nurse was fired from the hospital, in part, because she took sides in a disagreement between a physician and a patient's family.

She sued for wrongful discharge. As the basis for her lawsuit she pointed to two publications, the American Nurses Association's *Code for Nurses with Interpretive Statements* and the American Association of Critical-Care Nurses' *Role of the Critical Care Nurse*.

Her argument was that she had an ethical responsibility as a nurse to advocate for her patients and could not be fired for carrying out that responsibility.

An employee cannot be fired for opposing conduct by a manager, supervisor or co-worker which violates a specific statute, regulation or professional standard of a state board.

COLORADO COURT OF APPEALS
May 4, 2006

The Colorado Court of Appeals disagreed with the legal basis for her lawsuit.

An employee can sue for wrongful discharge only if fired for going against an employer's policies or practices which violate the statutes, laws, regulations or standards of a governmental authority.

An employee cannot sue for wrongful discharge if fired for following a private organization's opinions on the subject of professional ethics.

No Employment Contract

The nurse was not working under a union collective bargaining agreement or individual employment contract.

If there were a contract she would not have been an at-will employee and could have protested her firing as a violation of her contract rights, the court said. **Jaynes v. Centura Health Corp., ___ P. 3d ___, 2006 WL 1171858 (Colo. App., May 4, 2006).**