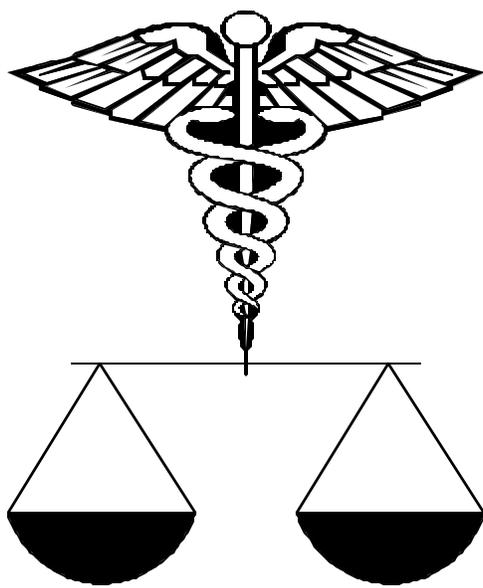


# AIDS Patient Care

**A** certified nursing assistant had been working with geriatric patients in a nursing home. His employer attempted to reassign him to a different unit, one where three patients with AIDS resided. The aide refused, stating he feared getting the virus and passing it on to his children. The aide was terminated from the nursing home over this refusal. His employer's right to terminate him under the circumstances was upheld by the Commonwealth Court of Pennsylvania.

According to the court, an employer has the right to make reasonable changes in an employee's employment situation. It is reasonable for a long-term care facility housing AIDS patients to expect that it can assign any of its qualified and properly trained employees to care for these patients.

The nursing home in this case had complied with applicable laws by furnishing standard universal precautions training to its employees. This training included information about the spread of HIV as the cause of AIDS, as well as instruction on how healthcare workers must avert the transmission of the disease by the routine use of gloves, proper handwashing, the use of additional protective gear for certain medical procedures, methods for handling and



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***A certified nursing assistant's refusal to be reassigned to a unit with AIDS patients is willful misconduct justifying termination.***

***A nursing home must train its aides in standard universal precautions. An aide's misconceptions about HIV are not good cause to refuse to care for persons with AIDS.***

COMMONWEALTH COURT OF  
PENNSYLVANIA, 1996.

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disposing of needles and other sharp objects, and instruction on how to deal with soiled laundry and how to dispose of infectious waste.

The court noted in passing that even with his training, this aide would not have been required or permitted to perform or assist with any procedures that could expose him to blood or potentially infectious bodily fluids, as he would not be suctioning patients, giving injections, changing dressings, etc.

The court believed that the aide in question, despite his training in universal precautions, harbored unnecessary fears and misconceptions concerning HIV and AIDS. He could at best show only that he had a genuine subjective belief that patients with AIDS posed a special risk to him and that his employer had inadequately prepared and equipped him to deal with that risk.

According to the court's ruling, a subjective belief alone on the part of a healthcare worker is not good cause to refuse an employer's reasonable directive to care for certain patients. A healthcare employer has the right to fire an employee who refuses a reasonable directive to care for AIDS patients, the court said. **Dougherty vs. Unemployment Compensation Board of Review, 686 A. 2d 53 (Pa. Cmwlth., 1996).**