

Discrimination Case: Victim Cannot Break Medical Confidentiality.

A certified nurses aide filed a complaint with the US Equal Employment Opportunity Commission (EEOC) against her then-employer, a nursing home, for age and race discrimination.

During the EEOC's investigation she gave copies to the EEOC of confidential materials she copied from her and other aides' patients' charts to show that African-American aides were being disciplined differently than Caucasians for basically the same errors in patient charting. She had no permission from her employer or from the patients to do this.

She was fired for violating patients' medical confidentiality.

The court finds it a truly remarkable proposition that a former employee would claim her former employer committed illegal retaliation by dismissing her for providing confidential information from patients' charts to the EEOC to support her discrimination claims.

UNITED STATES DISTRICT COURT
OKLAHOMA
August 4, 2006

The US District Court for the Western District of Oklahoma conceded that differential discipline for the same offense is a form of illegal discrimination and that retaliation against an employee for filing a complaint with the EEOC, regardless of the complaint's validity, is strictly illegal.

However, the court would not deny an employer's right to fire someone for unauthorized use of confidential patient data. Vaughn v. Villa, 2006 WL 2246453 (W.D. Okla., August 4, 2006).