

Death Of Patient: Court Rules Nurse Was Unfairly Denied The Right To Respond To The Charges.

The Oregon State Board of Nursing permanently revoked a registered nurse's license for the following alleged misconduct:

The patient had been having tarry stools and was up to the bathroom with twenty episodes of diarrhea during one p.m. shift. She was also clammy and was getting progressively weaker as the shift progressed. The nurse, however, never took vital signs until the very end of the shift.

The same patient on the same p.m. shift was reporting severe pain. The nurse removed a dose of morphine from the pharmacy cabinet and gave Tylenol instead because the family said the patient was not supposed to get narcotics. The nurse did this, however, without verifying what the family said with the patient's physician.

Files which document investigations of complaints to the State Board of Nursing are confidential and cannot be turned over to the public.

The nurse who is the subject of the investigation, however, is not considered just a member of the public.

The nurse or the nurse's legal representative cannot fairly defend the allegations without access to the Board's investigation file.

COURT OF APPEALS OF OREGON
May 28, 2008

The nurse twice gave Xanax for anxiety to this patient on the same evening in question, without any further assessment as to the source of the patient's anxiety and without conferring with the charge nurse or the physician.

When the nurse took the patient's BP at the end of the shift she allegedly documented it as "80/?" and left it at that. She allegedly told the husband the patient did not look good and was probably going to die soon.

The Court of Appeals of Oregon nevertheless overturned the license revocation, for the time being.

The nurse's own rights were violated in that her attorney was improperly denied access to the Board's investigative file. ***Shank v. Board of Nursing***, ___ P. 3d ___, 2008 WL 2186172 (Or. App., May 28, 2008).