

Civil Rights: Different Discipline For Same Offense Is Discrimination.

An Hispanic nurse was fired from her job in a hospital emergency room after she neglected to report to the charge nurse or the physician, left the patient unattended and did nothing for the patient for seventeen minutes. The patient had a swollen tongue and was eventually diagnosed with angioedema, a potentially life-threatening airway obstruction.

She sued for discrimination, pointing out that two Caucasian nurses were disciplined less harshly for their errors.

It is discrimination to discipline a minority employee more severely than a non-minority for an error of comparable seriousness.

In a healthcare setting, an error or omission which is life-threatening to a patient is more serious than a non-life-threatening event.

UNITED STATES DISTRICT COURT
MISSISSIPPI

February 16, 2007

The US District Court for the Southern District of Mississippi dismissed her case. One of the other nurses was suspended, but not fired, for treating a patient in the ER without first signing in the patient, but that in no way compromised the patient's safety.

Another nurse allegedly gave TPN to the wrong patient. That could be life-threatening, but, the court said, there was no proof the hospital knew of the error, so even if it did occur it would not tend to prove a pattern of discriminatory motivation. ***Pauling v. Ocean Springs Hosp., 2007 WL 541701 (S.D. Miss., February 16, 2007).***