

Drug Screen: Nurse Fired For Falsifying Information.

A nurse who had been working through an agency applied for a position working directly for the hospital.

She gave a sample for a required drug screen and started working as a hospital employee before the results came back. When the results were delayed, indicating that something had been found, the nurse was confronted and disclosed she was on methadone as part of her treatment for chemical dependency.

She had stated on her employment application she was not taking any medications, a false statement, and she was fired.

The nurse was fired for falsifying information on her employment application.

COURT OF APPEALS OF OHIO
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The majority of the judges on the Court of Appeals of Ohio who decided the case against the nurse were satisfied that the nurse was fired for falsifying information on her employment application.

One judge dissented from the majority opinion, insisting the nurse's lawsuit had raised legitimate questions about disability discrimination.

Chemical Dependency Is A Disability

Being a person in recovery for chemical dependency is considered a disability for purposes of disability discrimination law. Federal and state laws expressly protect a successfully rehabilitated drug abuser from discrimination.

This nurse had been working ten months at the hospital as an employee of a nursing agency taking care of critically ill patients in the ICU without any apparent problems. All the while she was strictly adhering to a monitored recovery program which included counseling and random drug tests. If the nurse was fired for her disability, revealed by disclosing her methadone use, that would have been illegal discrimination, the dissenting judge believed. **Wagner v. Regional Med. Ctr.**, 2011 WL 2448732 (Ohio App., June 20, 2011).