
Alcoholic Nurse

An alcoholic registered nurse came to the hospital where he was employed, in an intoxicated state, while on vacation, and had a violent confrontation with hospital security guards. The nurse had no recollection of the incident after the fact. He claimed he must have been suffering from an alcoholic blackout at the time of the incident.

Five days after the incident, the hospital notified him of his termination. He pursued the hospital's grievance process unsuccessfully, then sued the hospital in federal court, alleging he had been terminated from his employment because of his handicap, alcoholism.

The U.S. Circuit Court of Appeals for the Second Circuit (New York) upheld the lower court in dismissing the disability discrimination suit that was filed against the hospital. For misconduct caused by current abuse of alcohol, an alcoholic gets no benefit from the disability discrimination laws.

The court also pointed out it was permissible for the hospital to fire this nurse,

Disability discrimination laws exclude from the definition of "person with a disability" an alcoholic whose employment, due to current abuse of alcohol, would constitute a direct threat to the safety or property of others.

UNITED STATES COURT OF APPEALS, SECOND CIRCUIT (NEW YORK), 1996.

whether this instance of misconduct was considered to have occurred on-duty or off-duty. Johnson vs. New York Hospital, 96 F. 3d 33 (2nd Cir., 1996).

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