

Breach Of Confidentiality, Co-Workers' Emails, Charts: Charge Nurse Terminated For Cause.

A hospital charge nurse was issued a final warning by her immediate supervisor that she cease and desist from certain unacceptable conduct.

Emails are Confidential

Hospital policy was that employee emails and email accounts are confidential and were not to be accessed by co-workers without permission from the author and the recipient.

The charge nurse was warned to stop using her subordinates' computers without their permission, stop accessing her subordinates' email accounts, stop printing out their emails and stop gossiping about what she found in others' emails.

Apparently she continued printing emails and spreading gossip that certain persons were having an affair.

Medical Records Are Confidential

Violation of institutional policies protecting the confidentiality of others' computer terminals and email accounts is valid grounds for termination.

Another employee's medical records have the same level of confidentiality as any other patient's.

Breach of medical confidentiality is a very serious offense justifying termination.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
October 22, 2007

Through her office computer the charge nurse accessed her own and certain subordinates' medical records generated as patients in the facility.

A co-worker's, subordinate's or supervisor's personal medical records have the same level of confidentiality as any other patient's. Consent must be obtained for use of the chart in the course of medical care or authorization must come from the hospital's legal department. Unauthorized access can expose the facility to legal liability.

The US Court of Appeals for the Fifth Circuit ruled there were grounds to terminate the charge nurse for just cause. Woodson v. Scott and White Memorial Hosp., 2007 WL 3076937 (5th Cir., October 22, 2007).