

E.R.: Nurse, Hospital Not Liable For False Imprisonment Of Intoxicated Patient.

To celebrate his thirtieth birthday an individual chartered a party bus so he and two dozen friends could go bar hopping. By 1:00 a.m. he was so intoxicated that he badly cut his hand by putting it through a window of the bus. The bus driver diverted the bus to a hospital's E.R.

He staggered in and was triaged by a nurse who took him to an exam room and put a temporary dressing on his hand.

After waiting more than an hour he decided to go outside for a cigarette. An E.R. nurse tried to redirect him. He was walking out the ambulance bay doors where he was not supposed to go and apparently did not realize that patients were not supposed to step outside. The nurse grabbed the back of his shirt but when he turned and glared at her the nurse let go.

The nurse told the nursing supervisor she was concerned he was only in a T-shirt and the outdoor temperature was only 6° F.

The supervisor paged hospital security. After hearing the page, two local police officers who happened to be in the E.R. learned from the nursing supervisor that someone who had not yet been treated was walking out to the parking lot.

When he refused to halt, the officers beat him, handcuffed him, tased him and returned him to the E.R. The nurse asked them to loosen the cuffs because his hands were turning blue and he was treated for extensive injuries inflicted by the police.

No Grounds for Suit Against Hospital

The US District Court for the District of Connecticut saw grounds for an excessive-force lawsuit against the police, but dismissed the hospital from the lawsuit.

The nurse who grabbed the patient's shirt did not actually restrain or even attempt to restrain him.

The nursing supervisor, the Court believed, only asked for police involvement because of the potential threat the intoxicated non-compliant patient posed to the safety of patients and staff, which was a legitimate concern. She never asked the police to restrain him and certainly was not responsible for the fact they grossly overreacted. **Bryans v. Cossette**, 2013 WL 4737310 (D. Conn., September 3, 2013).

Unlawful restraint by one person of the physical liberty of another can be grounds for a civil lawsuit.

The law refers to that as false imprisonment.

False imprisonment, as grounds for a lawsuit, must be something done intentionally and purposefully to confine another against the person's will, for any period of time, no matter how brief.

The patient was correct that the hospital had no legal basis to prevent him from leaving and that being restrained by a hospital nurse or security guard would have been unlawful.

However, he admitted that the nurse only told him he was not supposed to go outside. She said, "Sir, come back here," as she grasped the back of his shirt with her thumb and forefinger as he was exiting through the ambulance bay doors but then let go as he turned and glared at her.

The nurse never actually restrained or even attempted to restrain him.

The nursing supervisor never actually asked the police to go out and restrain the patient but only asked for assistance with safety.

UNITED STATES DISTRICT COURT
CONNECTICUT
September 3, 2013

Narcotics: Nurse With Disability Fired For Errors In Documentation.

A nurse in the midst of an ongoing battle with breast cancer had numerous charting discrepancies come up about her wasting of unused narcotics.

The discrepancies surfaced in a routine audit by the hospital pharmacy that was not aimed specifically at her.

The nurse was terminated for violation of the hospital's standards for proper documentation of wasting of narcotics.

The nurse sued for disability discrimination and for retaliation for taking medical leave to which she was legally entitled.

The hospital gave the nurse all she asked for by way of reasonable accommodation to her disability, breast cancer.

Her physician's lifting restrictions were honored and she was allowed flexible scheduling to work around her treatments.

Her co-workers' grumbling about having to help her with lifting her patients is not grounds for a disability discrimination lawsuit.

UNITED STATES DISTRICT COURT
MINNESOTA
September 4, 2013

The US District Court for the District of Minnesota dismissed her case.

The hospital provided all the reasonable accommodations for her disability that she had requested. Charting discrepancies involving narcotics are a legitimate non-discriminatory reason to terminate a nurse.

A male nurse who was not fired was not a valid comparison. The nurse in question had twenty-four documentation discrepancies with narcotics, none of which she could explain, while he had only four, all of which he could explain. **Lichty v. Allina**, 2013 WL 4747552 (D. Minn., September 4, 2013).