

## Alcohol Withdrawal: Court Says Treatment Requires Order From Physician, Upholds Nurse's Termination.

The New York Supreme Court, Appellate Division, upheld the firing of a registered nurse from her job in a correctional facility. She initiated a course of treatment for an inmate's alcohol withdrawal, which included administration of an unspecified narcotic, without obtaining a physician's order and without first obtaining the inmate's medical chart.

According to the court, the nurse's conduct went against her employer's best interests and had potentially serious consequences. She knew she needed a physician's order and had options available in the meantime. The court did not specify what those options were. The court ruled her conduct fit the legal definition of misconduct justifying termination. **Claim of Smith, 701 N.Y.S.2d 754 (N.Y. App., 2000).**

## Computerized Patient Charts: Nurse Disciplined For Giving News Media Patient Data On Used Computer Hard Drive.

The District Court of Appeal of Florida as well as the State Board of Nursing could not account for how the hospital's used computer came into the possession of a psychiatric nurse working at the hospital.

The nurse claimed he purchased it for \$20 at a thrift shop. The thrift shop owner testified the shop had no record of selling a used computer. Representatives from the hospital denied they would have or did donate a used computer to a thrift shop, with or without patients' files still intact on the computer's hard-drive memory.

How the nurse got the computer did not matter. The court upheld the Board's judgment in suspending his license for five years for disclosing confidential patient information. That is unprofessional conduct for a nurse.

The nurse knew the hospital was being investigated for alleged fraudulent billing practices. The nurse contacted local law enforcement agencies and the state attorney general's office to tell them he had a computer from the hospital. They declined to talk to him, indicating the investigation was within the jurisdiction of Federal authorities.

Then the nurse contacted the local news media. They broadcast the story, including material taken directly from the chart of one patient whose name was shown on the air.

The patient complained. The Board of Nursing issued an emergency suspension of the nurse's license. Hospital attorneys insisted he return the computer at once. The nurse offered to do so, for a ransom payment of \$20,000. They got a court injunction forbidding him from making any further disclosures of confidential patient information.

***Intentional unauthorized disclosure of confidential patient information is unprofessional conduct for which a nurse can lose his license. It does not matter whether the patient was one directly under the nurse's care.***

DISTRICT COURT OF APPEAL OF FLORIDA, 1999.

The nurse actually admitted he knew it was wrong to disclose confidential patient information without express authorization from the patient.

His only argument in his defense was that it was not a patient whom he had cared for directly. The court roundly dismissed that argument and upheld the license suspension imposed by the Board of Nursing. **Proenza Sanfiel v. Department of Health, 749 So. 2d 525 (Fla. App., 1999).**

### LEGAL EAGLE EYE NEWSLETTER

*For the Nursing Profession*

ISSN 1085-4924

© 2007 Legal Eagle Eye Newsletter

Indexed in  
Cumulative Index to Nursing & Allied  
Health Literature™

Published monthly, twelve times per year.  
Mailed First Class Mail at Seattle, WA.

E. Kenneth Snyder, BSN, RN, JD  
Editor/Publisher

PO Box 4592  
Seattle, WA 98194-0592

Phone (206) 440-5860

Fax (206) 440-5862

kensnyder@nursinglaw.com

www.nursinglaw.com

Circle one: \$155 one year	\$85 six months	Phone toll free
Check enclosed _____	Bill me _____	Credit card _____
1-877-985-0977		
Visa/MC/AmEx/Disc No. _____		
Signature _____ Expiration Date _____		
Name _____		
Organization _____		
Address _____		
City/State/Zip _____		
Mail to:		
Legal Eagle		
PO Box 4592		
Seattle WA		
98194-0592		