

Falsified Documentation: Nurse's Firing Upheld, No Age Discrimination.

A registered nurse was fired after she forwarded to her supervisor a copy of a forged record ostensibly from a hospital chart showing that she had intubated the patient for surgery.

The nurse was trying to fulfill an ongoing requirement of her status as a flight nurse that she intubate at least one patient every three months.

After her firing she sued her former employer for age discrimination.

The US Age Discrimination in Employment Act may allow a discrimination suit if the employee or former employee is in the protected 40 to 70 year age range and was treated less favorably than a younger person.

UNITED STATES DISTRICT COURT
COLORADO
May 9, 2011

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

In age discrimination case, even if the employee or former employee is in the protected age range and was treated adversely, the employer can successfully defend by showing a legitimate non-discriminatory reason for the action taken.

The Court said it was beside the point whether the nurse had merely been guilty of a mistake providing a copy of an incorrect procedure record or had engaged in premeditated dishonesty.

The point was that the nurse's supervisor recalled having intubated the patient in question himself and had good reason to conclude that the nurse had committed a blatantly dishonest act and had good grounds to terminate the nurse's employment for blatant dishonesty, the Court said. **Turner-Schlieman v. Centura Health, 2011 WL 1755432 (D. Colo., May 9, 2011).**