

Definition Of Family Member: Court Allows Suit Against Critical-Care Nurse Who Excluded Life-Partner From Room.

The Court of Appeals of Washington did not rule definitively that the hospital's critical-care nurse was wrong to excluded the female patient's female seventeen-year life-partner from the ICU room during the patient's last hours.

The Court ruled only that the lower court judge was in error to throw out the life-partner's lawsuit against the nurse without allowing a jury to hear all of the evidence and decide the case.

Was the Nurse Motivated

By Prejudice or By Medical Necessity?

The issue is whether the nurse excluded the life-partner because she felt a same-sex life-partner was not appropriate as a family member or, on the other hand, because it was medically necessary at times to ask her to leave the room.

Nurse's Arguments

The life-partner's presence in the room interfered with the patient resting, that is, her presence agitated the patient and by doing so compromised her extremely fragile respiratory status.

The nurse also claimed it was difficult to work around the life-partner while performing necessary hands-on nursing care. The nurse asked the life-partner to leave at times and offered to call her back from the waiting area when she was done, but the life-partner insisted on staying glued to the bedside at all times.

Life-Partner's Arguments

The patient's physician was allowing the life-partner and the patient's siblings in the room, two persons at a time, before the nurse came on duty. The patient begged her life-partner not to leave her alone. A life-partner has the fundamental right to be treated like a husband or wife.

The Court of Appeals acknowledged that family members have a right to sue for their own mental anguish and emotional distress for being excluded from a loved one's presence in the final hours, that is, if there was no medical justification. **Reed v. ANM Healthcare, 2008 WL 5157869 (Wash. App., December 8, 2008).**