

# Nurse Did Not Follow Orders: Termination Justified.

The reason a nurse was given for her termination was that she had failed to follow the patient's physician's orders and the physician had complained about it.

The nurse, on the other hand, believed that was just a pretext to get her out of the way to stop her complaints of nurse understaffing.

She sued the facility for retaliation.

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***A nurse cannot be disciplined for voicing complaints about understaffing. However, the nurse bears the burden of proof that retaliation was the motive behind disciplinary action.***

COURT OF APPEALS OF TENNESSEE  
January 29, 2007

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The Court of Appeals of Tennessee agreed with the premise of her lawsuit, but only in general terms.

A healthcare employee cannot be terminated in retaliation for complaints of illegal activity within the facility where he or she is employed.

This court, however, was not satisfied that retaliation was the motive behind this nurse's termination. The facility successfully argued she was guilty of misconduct justifying termination.

A physician's standing orders included a certain narcotic prn for pain, but for one patient he had written a specific order to call first. The nurse called, left a message and then gave the narcotic without actually talking to the physician.

The nurse also removed a tegaderm dressing, let the patient shower, then re-applied the dressing, without a physician's order and in violation of the implied order to leave the dressing alone. **White v. Fort Sanders-Park West Medical Center, 2007 WL 241024 (Tenn. App., January 29, 2007).**