

## Rehab Nursing: Doctor's Orders Re Helmet Must Be Followed.

A resident in a residential treatment center for persons with developmental disabilities was prescribed a helmet to be worn at all times because he could not otherwise be stopped from injuring himself by hitting himself on the head.

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***The nursing supervisor explicitly instructed the aide that there was a doctor's order for the helmet.***

***The aide stated she disagreed with the doctor's order, claiming it interfered with the patient's right to consent to treatment and she could keep him from hurting himself without it.***

***The patient, not wearing his helmet, was observed bleeding from a self-inflicted head wound.***

COURT OF APPEALS OF WASHINGTON  
March 6, 2007

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The Court of Appeals of Washington upheld the judgment of the facility's nursing supervisor that the physician's order gave no room for discretion by aides whether or not or when the patient would wear his helmet.

The court dismissed the aide's wrongful discharge lawsuit, however, on the technicality that she voluntarily resigned to avoid ongoing disciplinary issues over non-compliance with the physician's orders, and thus was not actually discharged. An employee is considered "constructively discharged" if improperly forced to resign, but that did not happen here, the court said. **Black v. Dept. of Social and Health Svcs.**, 2007 WL 663760 (Wash. App., March 6, 2007).