

## Police Wanted Access To Patient: Court Finds Nurse's Actions Were Appropriate.

Two sheriff's deputies showed up at the nurse's station on a hospital acute-care unit at ten minutes to midnight and demanded to speak with the person in charge. They insisted they had to serve a protective order on one of the patients.

The nurse assigned to the patient told them she was in charge of the patient's care. She pointed out the door to the room where the patient was located.

### **Nurse Refused to Give Permission For Deputies to Contact Patient**

The deputies asked the nurse's permission to go into the room to give the legal papers to the patient.

The nurse refused to give them permission. She stated she did not have the authority one way or the other to permit them or to deny them access to the patient.

The nurse explained that the patient was very ill and that it was not advisable for the deputies to bother him.

She told them it would be best if they came back first thing in the morning when the patient's doctor would be there. They could ask permission from the doctor or at least have the doctor present when they made contact with the patient.

The nurse called the staff physician on duty. He told her to call the director of nursing at home, and she did. The director of nursing called the hospital's chief oper-

ating officer, then called the nurse back and asked to speak with the deputies.

The director of nursing told one of the deputies over the phone that it would be best if they came back in the morning when the doctor would be there.

The patient's nurse never physically blocked the deputies from entering the room or tried to prevent them from doing what they perceived as their legal duty.

The nurse, however, did refuse to give the deputies her name when they asked.

The reaction of one of the deputies was to handcuff the nurse and place her under arrest. The charge was obstruction of service of process, a Class B misdemeanor in Illinois.

### **Nurse Sues for Violation of Constitutional Rights**

The US District Court for the Southern District of Illinois stated that if a civil jury would accept the nurse's version of the story a law enforcement officer could in no way reasonably think that the nurse was trying to obstruct his efforts.

That is, the nurse's civil lawsuit against the deputy for false arrest in violation of her constitutional rights appeared to be on solid ground. **Shipman v. Hamilton, 2007 WL 1390620 (S.D. Ill., May 9, 2007).**