

Sexual Relationship With Patient: Home Health Nurse's Termination Upheld By Court.

A home health nurse was discharged from her job after an investigation revealed she had had an intimate romantic relationship with a client to whose home she had been going to administer his medication. The investigation was prompted by a complaint from the patient's wife.

Nurse Was Terminated for Cause

The basic issue for the Appellate Court of Illinois was whether the nurse was entitled to unemployment benefits following her discharge. The Court ruled she was guilty of misconduct justifying termination and was thus ineligible for benefits.

Nurse Violated Employer's Policies

The nurse was informed by her employer that she was being discharged for violating its rules and nursing policies and thereby jeopardizing the company's presence and the integrity of its operations in the community.

Nurse Violated State Law

The company also pointed to its policy that its nurses were required to abide by the definition of ethical and professional conduct for nurses outlined by state law.

State law prohibits nurses from engaging in behavior that crosses professional boundaries. The state regulations go on to state expressly that sexual conduct with a patient, or any conduct that could reasonably be interpreted by a patient as sexual, or any verbal behavior that is sexually harassing to a patient, is clearly out of bounds.

State regulations also prohibit in general terms any conduct by a nurse that demonstrates a willful disregard for the health, safety or welfare of a patient, without regard to whether actual injury can be substantiated.

Nurse Violated ANA Standards

The Court endorsed an ANA policy statement on maintaining appropriate professional boundaries which was provided to the nurse by her employer and incorporated into the employer's own policies. It puts responsibility on the nurse to maintain appropriate boundaries and to seek assistance from peers or supervisors if maintaining boundaries becomes difficult. **Beck v. Dept. of Employment Security**, 2013 WL 4715783 (Ill. App., August 29, 2013).

The nurse's romantic encounters did not take place during her visits to the patient's home.

The nurse's home health assignment involved only bringing his medication to his home, which she argued was not a task that necessarily required a nursing license, and then watching the patient take his medication, which took ten minutes at most.

The nurse pointed out she was, in fact, no longer assigned as his nurse when she began seeing him, although he was still a client of the home health agency which still employed her.

None of the above excuses her from the fact her conduct was inappropriate.

By having an intimate romantic relationship with the patient the nurse violated her employer's internal rules, state regulations promulgated under the Nurse Practice Act and ANA standards for maintaining appropriate professional boundaries.

She signed off on her employer's policies during in-service training sessions and the state's requirements every time she sent in her license renewal.

APPELLATE COURT OF ILLINOIS
August 29, 2013

Discrimination: Nurse's Headgear Was Not Religious.

The nursing home had a written employee dress code that stated, among other things, that wearing wraps, bandanas, scarves, do-rags, etc., was not permitted.

The only exceptions permitted were headgear worn by employees for religious or medical purposes.

The LPN was told to stop wearing while on duty what was described in the court record as a "beanie."

The administrator told the DON to watch and monitor this LPN and another employee who were having issues about unacceptable headgear being worn at work.

Some time later the LPN became disruptive during an in-service meeting and refused to leave the premises until the police actually had to be called.

After being terminated over that incident she sued for religious discrimination.

The nurse is not a Muslim. She has no religious beliefs that require the wearing of any type of beanie or headband.

The headgear she was wearing on the day in question has no religious significance or purpose.

The nurse had never disclosed her religious beliefs to anyone at the facility.

UNITED STATES DISTRICT COURT
LOUISIANA
August 30, 2013

The US District Court for the Western District of Louisiana ruled the facility's dress code protected the rights of religious minorities who wear certain headgear in compliance with their religious beliefs.

However, that had nothing to do with this LPN. She was required to abide by the facility's dress code. Her termination had nothing to do with her wearing a "beanie" at work or retaliation for her complaints to the corporate office over being told she had to take it off. **Powell v. Washington**, 2013 WL 4680519 (W.D. La., August 30, 2013).