

## Confidentiality: Nurse Gets In Trouble Over Offhand Remark About Neighbor.

The nurse's neighbor kept a large number of dogs on her property which she was raising as sled dogs.

An upcoming sled-dog race was drawing media attention. A TV reporter who was a friend of the dog owner interviewed the neighbors to see if living near the dogs was a problem. The nurse said it was a problem. She went on to say the owner was a drunk who belonged in a detox unit.

As it turned out, unknown to the nurse, the owner had been treated for drug and alcohol problems at the same hospital where the nurse worked.

The hospital board of directors fired the nurse for breach of patient confidentiality. The Supreme Court of Wyoming ruled that the board of directors failed to give the nurse sufficient notice that her job was in jeopardy before she was called in to explain her actions. Whether her firing was justified has not yet been decided. **Board of Trustees v. Martin**, \_\_ P. 3d \_\_, 2003 WL 40790 (Wyo., January 6, 2003).

## Short-Term Psychiatric Hold: Hospital And Medical Professionals Granted Immunity From Civil Suit.

*The patient made statements to the admitting psych nurse that could reasonably be interpreted to mean she had the present intention to harm herself and the means at home to do it, if she were not immediately detained in the hospital's psychiatric unit.*

*There was legal probable cause to hold her, based on what she told the nurse.*

*The patient's attorneys elected not to name the nurse as a defendant in the patient's civil suit for false imprisonment, assault, battery, libel, slander, civil conspiracy, invasion of privacy and intentional infliction of emotional distress.*

*The nurse's employer the hospital, the physicians and the social worker who were named as defendants are entitled to immunity from a civil lawsuit.*

COURT OF APPEAL OF CALIFORNIA  
January 7, 2003

The patient's life was in crisis. She was diagnosed with Ehler-Danlos Syndrome (EDS), a progressive debilitating disease. She was also having trouble at work and trouble with her relationship and was facing eviction from her housing situation.

During an office visit she told the physician who was treating her EDS that she was feeling depressed and suicidal. The physician phoned a psychiatrist who suggested he call the hospital's psych unit. The hospital's psych unit sent out a clinical social worker. The social worker brought the patient to the hospital.

### Nurse's Admitting Assessment Probable Cause For 72-Hour Hold

The patient admitted to the admitting psychiatric nurse at the hospital that she had told her physician she was thinking of harming herself and that she had enough pain medications at her residence to carry out the task.

The patient also said she regretted having told her physician that.

Based on the nurse's assessment data the staff psychiatrists obtained permission from a designated mental health professional for a 72-hour hold. She actually stayed only seventeen hours.

When there is probable cause to hold a patient, the Court of Appeal of California ruled, any and all healthcare professionals whose assessments led up to the psych hold have legal immunity from a civil lawsuit brought by the patient. **Cruze v. National Psychiatric Services, Inc.**, \_\_ Cal. Rptr. 2d \_\_, 2003 WL 42547 (Cal. App., January 7, 2003).

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