

Smallpox Vaccine: FDA Recommends Deferral Of Blood Donation By Recent Recipients.

On January 3, 2003 the US Food and Drug Administration (FDA) published a notice in the Federal Register recommending that recent recipients of smallpox vaccine defer blood donation and that blood already obtained from such donors be sought out and quarantined.

The FDA believes there may be significant risk of smallpox vaccinia virus transmission from donors to blood-products recipients. However, the FDA's current risk-benefit assessment may change, the FDA said, if an outbreak of smallpox should require emergency mass vaccinations.

The full text of the FDA's current recommendation can be found at <http://www.fda.gov/cber/guidelines.htm>.

FEDERAL REGISTER, January 3, 2003
Pages 377 – 378

Labor Law: Court Says School Nurses Entitled To Separate Bargaining Unit.

As employees of state or local government, school nurses' collective bargaining rights are governed by state law rather than the US National Labor Relations Act.

The New York Supreme Court, Appellate Division, ruled recently that New York's public-employee labor law entitles school nurses to their own bargaining unit separate from other non-instructional school-district employees like bus drivers, custodians, lunch-room cooks, etc.

The court noted that the school district Registered Nurses Association was comprised of licensed health care professionals who have direct and regular contact with students which includes the administration of medications, and this sets them apart from non-professional non-instructional employees. **Civil Service Employees v. Public Employment Relations Board**, ___ N.Y.S. 2d ___, 2002 N.Y. Slip Op. 09632, 2002 WL 31873458 (N.Y. App., December 26, 2002).

Sexual Relations With Patient: Court Upholds Revocation Of Psychiatric Nurse's License.

After she was re-admitted to the psychiatric hospital the patient opened up to the director of nursing about her relationship with a male staff nurse.

The director promptly terminated the nurse and reported him to the State Board. A hearing examiner recommended to the Board his license be conditionally revoked pending completion of five years probation.

The Board, however, flat-out revoked his license, and the Court of Appeal of California, in an opinion that has not officially been released for publication, ruled the alarming evidence supported the Board's actions.

A commonsense interpretation of the word "patient" is that she was the nurse's patient when they had sexual relations, even though she was not actually in the hospital at the time.

He improperly personalized the relationship while she was in the hospital, provided her anti-anxiety meds and had sex with her right after her discharge.

COURT OF APPEAL OF CALIFORNIA
OPINION NOT OFFICIALLY PUBLISHED
December 17, 2002

Ex-Patient Is Still A Patient

The court rejected the nurse's argument she was technically not a patient, in between admissions to the psychiatric hospital, when he actually had sexual relations with her.

The court noted he had improperly personalized the nurse-patient relationship, giving her special attention, gifts and preferential access to anti-anxiety medications while caring for her.

The court also pointed to her diagnoses of bipolar and borderline personality disorders and her history of relationship problems.

Sexual relations with patients, especially vulnerable psych patients, are grossly unprofessional, the court ruled. **Tapp v. Board of Registered Nursing**, 2002 WL 31820206 (Cal. App., December 17, 2002).