

FORDHARRISON

2024 EXECUTIVE HEALTHCARE LABOR & EMPLOYMENT LAW CONFERENCE

Hypothetical #1 - Tables 4, 5, and 6

Nancy wants her disciplinary action removed from her personnel file. She threatens that if it is not removed, she will go to Joint Commission with her patient safety concerns. She says she has audio recordings of staff meetings where she and other nurses voiced concerns about specific patient safety issues, and she threatens to send these recordings to Joint Commission.

What do you do next?



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Hypothetical #2 - Tables 3 and 4

You have now interviewed three employees who are regularly staffed on Dr. Simon's surgeries. The first two state that they have occasionally heard Dr. Simon talk about political issues during surgery but cannot remember specifics, and each denies ever hearing him make comments that could be construed as inappropriate or offensive.

The third employee tells you that Dr. Simon discusses sensitive political issues in the workplace "all the time." She identifies specific comments and jokes. She states that on one occasion, he told a joke about migrants containing a racial slur, and that several others who were present in the operating room laughed at his joke. She specifically identifies the two witnesses you've already interviewed. She states that although she was personally offended by these comments, she never reported them for fear of retaliation. However, she denies submitting the anonymous complaint.

Where do you go next in your investigation?



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Hypothetical #3 - Tables 3 and 4

After you meet with the charge nurse (who denies all of John's allegations about Kayla), but before you meet with Kayla, Kayla presents a letter from her doctor indicating that she is beginning a 6-week in-patient substance abuse treatment program.

Where do you go from here?



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Hypothetical #4 - Tables 3 and 4

You learn during the investigation that Paul has dementia and Diane confirms that, unfortunately, he does sometimes behave inappropriately but that addressing it with him doesn't help because Paul doesn't remember these conversations.

How, if at all, does this affect your investigation?