

Dangers for Nurse Managers

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Those of you who are nurse managers, charge nurses, or nurse supervisors are keenly aware of the legal issues involved in your position. Not only must you ensure that any direct patient care that you provide be non-negligent, you must also avoid the inherent pitfalls a role such as yours entails.

A while back, M. Lee Smith Publishers, (a division of Business and Legal Resources-BLR), a leading provider of legal and employment law compliance since 1975, published videos on “12 Danger Zones for Supervisors”. The danger zones identified in the videos have clear applicability to you as a nurse manager. A few of them are listed below.

Danger Zone #1—Hiring: Your position may not provide you with the authority to hire staff for your unit. Rather, this responsibility may be done by the nurse overseeing your department or perhaps done with input by you but with the decision resting with another. If this is a responsibility you have, you need to ensure you do so by carefully adhering to principles of good interviewing, and, as Smith points, how to handle a non-hired applicant without raising the rejected individual’s potential legal radar.

Danger Zone #2—Documentation and Evaluations : Once a nurse employee is hired, it is your responsibility to continually evaluate his or her performance and in a timely manner document your evaluation on forms utilized for this purpose. Not complying with your institution’s policies for nurse employee evaluations can only subject you to grievances within the institution and potential lawsuits in the court room setting when a conflict arises as to that employee’s fulfilling his or her responsibilities.

Danger Zone #8—Family Medical Leave Act : The use and application of the FMLA has been a difficult one for many nurse managers and nurse supervisors to grasp. And, there is no doubt about the fact that it is a difficult Act that requires strict compliance with its mandates. The more familiar you are with its intricacies, the better you can provide what is needed by your nursing staff while at the same time, protect yourself and your facility from potential liability. An excellent resource for you to review is the [United States Department of Labor’s Family and Medical Leave Act](#) .

Danger Zone#7—Discrimination: Title VII is the federal law that prohibits an employer from discriminating against an employee in hiring, firing, benefit plans and promotions, as examples. Protected classes identified in the law include religion, race, color, gender, national origin, and age. If you are making employment decisions based on these characteristics alone, you can be certain that an employee or potential employee who is adversely affected by your decision will seek a legal remedy for that decision.

Danger Zone #11-Privacy : Privacy in the workplace is an issue that is gaining increasing

importance for nurse employees. Can I be videotaped in the medication room when pouring medications? Can my personal use of the work computer be monitored? Can the employer forbid my personal use of employee smart phones from being used while at work? As a nurse supervisor or charge nurse, you confront these issues on a daily basis and how best to handle them must be part of your skill set in this role. Reviewing information at: <http://employment.findlaw.com/workplace-privacy/employee-privacy.html> would be helpful in meeting your legal obligations in this aspect of your supervisory role.

The above “Danger Zones” are just a few identified by M. Lee Smith Publishers. You may have identified even more, base on your unique practice setting and the unique employees for whom you are responsible.

The lesson to be learned is to constantly update your legal—and ethical—responsibilities as a charge nurse, nurse manager or nurse supervisor. Take an online CE course on the subject or attend a conference seminar on the matter.

You might want to consider visiting BLR’s other division, HRHero at: www.hrhero.com for a wealth of information to keep you abreast of your current legal obligations in this intriguing but potentially treacherous role.

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