

NO PATIENT ABANDONMENT; NOT A WALK-OUT

Q: Did the “Sentosa 27” nurses abandon their facilities’ patients as alleged in the news media?

A: No, the Sentosa 27 nurses did not abandon their facilities’ patients. In fact, they have been cleared by the New York State Education Department’s Office of Professional Discipline.

Q: What is the legal definition of “abandonment”?

A: The legal definition of “abandonment” as found in section 29.2(a) of the Rules of the Board of Regents states that unprofessional conduct shall include:

Abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients.

In other words, abandonment results when the nurse-patient relationship is terminated without making reasonable arrangements with an appropriate person so that nursing care by others can be continued.

Q: What factors are required for a nurse to be charged with patient abandonment?

A: For patient abandonment to occur:

- 1. The nurse must have first accepted a patient assignment, thus establishing a nurse-patient relationship;*
- 2. The nurse must have severed the nurse-patient relationship without giving reasonable notice to the appropriate person so that arrangements were made for continuation of nursing care;*
- 3. The patient must be in need of immediate professional care or circumstances must exist which would seriously impair the delivery of professional care to patients or clients.*

Q: When does a nurse-patient relationship begin, and end?

A: A nurse-patient relationship begins when the nurse accepts responsibility for providing nursing care based upon a written or oral report of patient needs. A nurse-patient relationship ends when that responsibility has been transferred to another nurse and a report of patient needs has been communicated.

Q: Did any of the Sentosa 27 nurses abandon or walk out of their facilities' patients during their assigned workshifts?

A: No, the Sentosa 27 nurses did not abandon or walk out of their facilities' patients during their assigned workshifts. Of the 27, three were working during their assigned shifts when they submitted their respective letters of resignation. The three finished their shifts and turned over the care of the patients to the incoming nurse/nurse manager. One of the three in fact worked extra-four hours. The rest were not scheduled to work when they submitted their letters of resignation.

Q: Can you please give examples of patient abandonment?

A: Examples of patient abandonment may include, but are not limited to:

- 1 An RN or LPN accepts an assignment for patient care and then leaves the facility without transferring patient care to another qualified individual, when this would seriously impair the delivery of professional care;*
- 2 An RN leaves the operating room during a surgical case without transferring patient care to another qualified individual, when this would seriously impair the delivery of professional care*
- 3 An RN or NP withdraws from a contractual relationship with a patient to provide home health, counseling, daily nursing care or another similar service and fails to provide sufficient notice to the patient*

Q: If and when a staff nurse or agency nurse terminates nurse-patient relationship, whose responsibility is it to provide staff for the patients?

A: Health care facilities are responsible for providing staff for the patients they accept. Managerial or supervisory personnel should make adequate provisions for competent staffing to ensure necessary patient care in routine situations.

Q: Who determines whether a complaint of patient abandonment is professional misconduct?

A: The State Education Department's Office of Professional Discipline, in consultation with the State Board of Nursing, determines whether specific situations rise to the level of professional misconduct.

Q: What was the determination of the NYSED's Office of Professional Discipline regarding the complaints against the Sentosa 27 nurses for alleged patient abandonment?

A: On September 13, 2006, the Director of Investigations of the Office of Professional Discipline communicated to the lawyer of the Sentosa 27 nurses, and stated thus:

"All of the cases have been completely reviewed by the state board for nursing and our Division of Prosecutions. . . . All of the cases have been closed and this Department will take no actions against any of the licensed nurses accused of abandoning patients. In addition, we will not institute any moral character proceedings against any of the non-licensees who are seeking a permit or license."

Q: If the Sentosa 27 nurses have been cleared by the State Education Department's Office of Professional Discipline, why were ten of them indicted in Suffolk County for alleged endangerment of patients?

A: That is for the Suffolk District Attorney's Office to explain and prove in court. The Sentosa 27 nurses are of the belief that the criminal indictments are but part of a pattern of vindictive actions by the politically-connected owners of the Sentosa Enterprise to retaliate against the nurses, who earlier filed discrimination charges against them before the Office of Special Counsel for Immigration-Related Unfair Employment Practices.