

# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*

**NJHA**  
HEALTHCARE  
BUSINESS SOLUTIONS

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## **An Error Is Misconduct When It Is Not Reported In Accordance With The Employer's Policy**

### **B**ackground

A registered nurse was terminated for her failure to report a medication error immediately after it occurred. Fortunately, no harm came to the patient, but her decision to not immediately report the incident violated the employer's policy and put the patient at risk of harm. The nurse, upon reflection, reported the error the following day. When questioned, the nurse stated she was aware of the policy and apologized. She was suspended and later terminated for her failure to comply with the employer's policy to self-report an error immediately.

### **P**rocess

The nurse (claimant) filed an unemployment claim and was held disqualified for simple misconduct under N.J.S.A. 43:21-5(b) due to a violation of the employer's policy. The claimant filed an appeal contending she made a mistake and should not be disqualified because her actions were not deliberate.

The claimant, her former supervisor and the employer's agent, Princeton Claims Management, appeared for the hearing. The claimant testified she made an error in judgement and did not intend to harm the patient or the employer's interests. She regretted her decision to delay reporting the error and apologized. She further claimed that since no harm came to the patient, she did not deserve termination. The employer's witness testified that the claimant was not terminated for making a medication error, but for her negligence in not reporting it immediately. Fortunately, the patient was not harmed, but the claimant's failure to act in accordance with the policy jeopardized the patient's care and safety. Since the claimant's decision to delay reporting the error was within her control, the employer argued that her actions were not only a serious breach of the employer's policy, but also her oath as a patient advocate. Therefore, her disqualification for simple misconduct was appropriate and should be affirmed.

### **J**udgment

The examiner agreed with the employer and upheld the claimant's disqualification for simple misconduct. The examiner opined that "the claimant's decision to delay reporting her error was grossly negligent and not of the standards of behavior the employer had a right to expect of a clinician."

*Although an error is not deliberate, the decision to delay reporting was intentional and rises to misconduct, particularly in a healthcare environment where clinicians have significant responsibilities involving patient care and safety.*

**For more information about Princeton Claims Management, contact LuAnne Rooney Frascella at 609.936.2207 or [lfrascella@njha.com](mailto:lfrascella@njha.com).**