

DECISIONS

1. There must be **sufficient evidence** to show it was **more probable than not** that a **doctor departed from professional judgment** in his prescribing medication to a patient after a phone call with her. Such evidence would have to come in the form of a second opinion from a professional of equal or greater standing than the doctor. Where there was **no such evidence** presented, the finding of a **rights violation** will be **overturned**. (Level IV decision in Case No. 02-SGE-04 on 9/19/03, overturning the Level III.)
2. The sister/guardian of a woman filed a grievance about **the care the woman** had received while she was **living in her own apartment**. She had been receiving supportive home care services from an independent service provider under a general contract with the county. The **guardian alleged abuse and neglect** because of failure to report theft of monies and possessions and fraud and/or misrepresentation of funds. These issues were properly referred to other authorities. **To criminally convict a person of abuse, neglect, or criminal misconduct, there must be proof beyond a reasonable doubt**. A **patient rights violation only requires** a finding that the allegations are proved “**more probable than not**” true. (Level III Decision in Case No. 03-SGE-04 on 6/15/04.)
3. Where a client asserted that his AODA counselor used foul language, was confrontational, and was generally disrespectful to him, the **burden of proof was on the client** to provide sufficient evidence that a rights violation had occurred. This was a verbal exchange and no witnesses were present. While it would not be appropriate or acceptable for a counselor to use foul language or be disrespectful to a client, the allegations were self-reported and technically only constituted **hearsay evidence**. The client **had not met his burden** of showing a rights violation. (Level III decision in Case No. 09-SGE-04 on 7/06/09)
4. A patient complained about a nurse practitioner violating his confidentiality and his right to dignity and respect by in the manner in which she talked to him in a hallway. The **evidence, records, and witness reports did not provide sufficient evidence** to show that **it was more probable than not** that his right to confidentiality or his right to be treated with dignity and respect were violated. The **client’s burden of proof had not been met**. (Level III decision in Case Nos. 09-SGE-07 & 09-SGE-10 on 3/18/10)