

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TANISHA D YOUNG
Claimant

APPEAL NO. 07A-UI-10941-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BICKFORD SENIOR LIVING GROUP
Employer

OC: 10/21/07 R: 03
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Tanisha Young filed an appeal from a representative's decision dated November 8, 2007, reference 01, which denied benefits based on her separation from Bickford Senior Living Group (Bickford). After due notice was issued, a hearing was held by telephone on December 11, 2007. Ms. Young participated personally. The employer participated by Jeanie Nichols, RN Coordinator, and Veronica Shea, Director.

ISSUE:

At issue in this matter is whether Ms. Young was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Young was employed by Bickford from June 27 until October 16, 2007 as a certified medication aide (CMA). She was discharged due to medication errors.

A CMA is required to chart on the medication administration record (MAR) when medications are given to residents. The notations are to be made after the medication has actually been given to the resident. The CMA has the MAR with her when administering medications. If for some reason the medication is not given, the CMA is to call the RN coordinator to discuss the matter. Ms. Young was aware that she was to contact the RN coordinator if there was a problem dispensing medications.

Ms. Young received a written warning on August 26 due to medication errors. She had signed the MAR indicating that two medications were given to resident "A" when they were not, in fact, given. She gave the required medication to resident "B" but failed to note this fact on the MAR. Ms. Young received a written warning on September 12 because she noted in a resident's chart that her compression stockings had been removed at bedtime. However, it was discovered that she was still wearing them the following morning. The resident should not have been allowed to wear the stockings all night.

On October 12, Ms. Young failed to give blood pressure medication to a resident but noted on the MAR that it was given. She later told the employer that she did not give the medication because of the resident's blood pressure readings. Although she had spoken to the RN coordinator by phone at least five times during the weekend of October 12, she never indicated that there was a problem administering the resident's blood pressure medications. She did not note any problems in the resident's chart.

The employer addressed the October 12 incident with Ms. Young on October 14. She acknowledged that she had not given the medication as indicated in the MAR. She indicated she withheld the medication because the blood pressure was "weird." She also acknowledged that she did not note any problems in the resident's chart and did not call the RN coordinator. As a result of this final medication error, Ms. Young was discharged on October 16, 2007.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Young was discharged as a result of repeated medication errors. She knew she was not to sign the MAR until medications were actually given to a resident. With respect to resident "A" on August 26, it is clear that she signed the MAR before giving the medications as the medications were not actually given. If she had been interrupted by other duties before she could give the medications, there should have been no notation in the MAR that they were given. Ms. Young also failed to note that resident "B" had received his medication.

The employer is responsible for the care and well-being of residents in its care. A failure to give prescribed medications has the potential of compromising a resident's health. If the CMA documents that prescribed medications have been given, other staff looking at the MAR will assume that the medications were given. Other staff cannot follow up and make sure the medications are given if there is a notation that they were already given. If a CMA fails to note that a medication has been given when it has been, there is the possibility that other staff might administer the medication a second time.

In spite of being warned about medication errors on August 26, Ms. Young charted incorrectly on September 12. She indicated that compression stockings had been removed when they had not. Based on the warning she received on September 12, Ms. Young knew or should have known that her continued employment with Bickford was in jeopardy. In spite of the warnings, she again committed a medication error on October 12. She again noted on the MAR that medication had been given when it had not been given. This was a second occasion of completing the MAR before giving or attempting to give the medication. If there was, in fact, a problem that prevented giving the blood pressure medication on October 12, it should have been noted in the resident's chart but it was not. Moreover, Ms. Young never mentioned to the RN coordinator that there had been a problem administering the medication although she spoke with the coordinator at least five times that weekend.

Ms. Young contended that she only made errors when her shift was short-staffed. However, being short-staffed would not justify charting on the MAR that medications were given if they were not given. If she did not or could not give the medications because she was busy elsewhere, there should have been no entries saying they were given since the MAR notations

are to be made only after the medications are administered. Being short-staffed might justify not performing certain duties. However, it does not justify incorrect charting.

The administrative law judge concludes that Ms. Young's errors as identified herein constituted a substantial disregard of the standards the employer had the right to expect. Her actions compromised the health and safety of residents for whom Bickford was responsible. She failed to heed the warnings that put her on notice that her errors were jeopardizing her employment. For the reasons stated herein, it is concluded that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 8, 2007, reference 01, is hereby affirmed. Ms. Young was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs