



The Daily Briefing

News for Health Care Executives

Nurse sentenced after patient died when she fell asleep

'She was doing the best she could,' attorney says

March 30, 2015

A nurse in New York pleaded guilty to felony endangerment of a disabled person after her patient ran low on oxygen during the middle of the night and died because she fell asleep on the job. The case is shedding new light on the issue of health care worker fatigue.

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Details of the case

Thirty-five-year-old Tanya Lemon worked 12-hour shifts as a nurse at a state group home in DeWitt, New York outside of Syracuse and was paid \$34,000 annually to watch over and care for residents as they slept.

One night, Lemon was tasked with keeping watch over 25-year-old Dennis Dattalo, a disabled resident who could not speak. According to authorities, Lemon was supposed to check in on Dattalo every two hours to make sure he was receiving enough oxygen. But after she fell asleep, Dattalo was not monitored for eight hours. He ran low on oxygen, suffered significant brain damage, and was taken to a hospital where he died two weeks later.

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Fellow employees say Lemon is not the only nurse at the facility who has fallen asleep on the job. Lemon's colleague Barbara Parsons says some staff members would sign up to work extra shifts in order to receive overtime pay, and it was well known that many slept on the job. "She wasn't the only one," says Parsons, "Everybody knew it."

Napping on the job 'not unusual'

Patricia Gunning, special prosecutor for New York's **Justice Center for the Protection of People with Special Needs**, oversaw the case against Lemon and made clear distinctions between the act of accidentally nodding off on the job and willfully sleeping.

Lemon pleaded guilty and was sentenced to 90 days in jail and five years of probation. She also lost her nursing license and is no longer allowed to work with "vulnerable" populations in New York.

Lemon's attorney, Jeffery DeRoberts, notes that sleeping during overnight shifts at the DeWitt facility was "not unusual." For example, the Justice Center found 458 reports alleging abuse or neglect from caregivers sleeping on the job at direct state care or state-funded not-for-profit care facilities. Sixty-four of the incidents were denoted as "significant incidents" that could have put a patient's well-being at great risk. They include some patients gaining access to unlocked medications, a patient suffering a seizure while he was unattended, and a patient with a tendency to choke eating alone at night.

Reducing RN burnout could save lives, cut hospital spending

Further, an unrelated report from the **Ohio Department of Developmental Disabilities** identified 88 cases in which patient caregivers fell asleep on the job, many during overnight shifts. Many states do not track such numbers, but given the instances in Ohio and New York, it is likely the problem is widespread, according to the *Associated Press*.

Meanwhile, advocates say the problem of sleeping on the job stems from employees being overworked and underpaid health care workers. DeRoberts says Lemon was "doing the best she could." Advocates are calling for pay raises for health care workers caring for people who cannot take care of themselves (Virtanen, [AP/Houston Chronicle](#), 3/26).

The takeaway: A case in New York involving a patient who died after a nurse who fell asleep on the job is reigniting the debate surrounding health care worker fatigue and overworked nurses.
