

BMJ 1994;308:209 (15 January)

Bus drivers' rights

What looked at first like mere alcoholic tremulousness exploded into full blown delirium tremens the morning after admission. He trembled and sweated and shook the bed, cursing in the tongue of the great Simon Bolivar as little green men descended upon him like so many furies to pinch and torment him. He recovered in the hands of a house staff all too familiar with his condition and accustomed to administer routinely lorazepam and intravenous fluids; potassium, magnesium, and phosphate as needed; and strong leather restraints within the limits prescribed by medical lawyers and legislators.

At last the green men departed. Whereupon the intern, to her everlasting credit, discovered under the rubric occupational history that her patient was a school bus driver. It seemed to her that this otherwise laudable avocation was incompatible with a blood alcohol concentration of 192 mg/100 ml plus cocaine in the urine.

The patient said he would change his ways. The attending physician felt nevertheless that one should inform the man's employer. Wary of legal entanglements, he decided to first consult the hospital's bioethics committee. Here the doctors and lawyers had different opinions, the doctors wanting to protect the children, the lawyers concerned about breaching confidentiality. After long discussions the committee decided that the patient should be offered rehabilitation, which would take several months.

On the fifth hospital day the patient was found drunk in his bed. He said a friend had brought him a gift, which he could not resist tasting. When told about rehabilitation he invoked his rights and left the hospital against medical advice - AMA as it is usually called.

So the issue of protecting society versus individual rights was tossed back to the bioethics committee. Here one of the lawyers brought up the precedent of *Tarasoff v Regents of the University of California*, in which a patient told his psychiatrist that he intended to kill his girlfriend - which he did; and the university was later found guilty for its employee's failure to warn the girl. Others argued that the driver's case was different because he had not threatened to kill anybody, but it was decided that the children's safety came first and that the employer should be notified.

When the manager of the bus company heard about this, he became afraid of being sued and asked for an official letter. The hospital, equally scared, referred the case to its own attorneys. To the best of our knowledge no letter was ever sent. On further inquiry about their drug free workplace, the doctor was reassured that the company carried out routine urine tests for narcotics. The dates for these tests are announced well in advance, so as not to inconvenience anybody. They were glad to say that so far the results have always been negative.