

Nurse sacked for accepting inheritance from patient

Tony Keim, CourierMail

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A NURSE who was suspended for accepting an estimated \$200,000 inheritance from a former patient had done nothing wrong, a Brisbane judge says.

Glennys Laurel Fletcher, 50, was found guilty by a tribunal last year of "unsatisfactory professional conduct" in relation to Rosewood resident James Paidley, 75, who she cared for as a Blue Care nurse from 2002 to 2004.

After Paidley was admitted to Ipswich Hospital in May 2004 and later transferred to nursing homes, Fletcher continued to visit him, fed his cat, mowed his lawn and collected his mail until his death in July 2005.

The tribunal found Fletcher's failure to ensure a "proper professional distance" was a "breach of her professional obligations" but did not find she had tried to influence him to benefit from his will.

Mr Paidley left the vast majority of his estate to Fletcher, unbeknownst to her, in a will he drafted by his privately appointed Ipswich-based lawyers prior to his death, the court was told.

However, Brisbane District Court Judge David Robin, in a written judgment, overturned the tribunal's decision.

Judge Robin said there was no evidence Fletcher had used "undue influence" or exercised an "abuse of position" in refusing to relinquish the "generous gift" Mr Paidley left her in his will.

"There is a problem when the location of (professional) 'boundaries' not to be crossed (by nurses) cannot be identified (in Queensland's Nursing Act)," he said.



Late last year the tribunal cancelled Fletcher's nursing registration for two years with a condition that she could never work again as a community health nurse or in an aged care facility.

Fletcher appealed in the District Court last month against the tribunal's decision, with her counsel, John Allen, describing the two years as "excessive".

Judge Robin, in judgment, said: "In my view, no abuse of position or exercise of undue influence was shown against Mrs Fletcher," she said

"In particular, her refusal to relinquish the generous gift the (Mr Paidley) made in his will does not in the circumstances establish such abuse ... or unsatisfactory professional conduct within the meaning of the Nursing Act.

"It appears to follow that the appeal should be allowed and the charges against the (Fletcher) dismissed."

He also ordered the Queensland Nursing Council pay Fletcher \$10,000 in legal costs.

Comments are not allowed about this story for legal reasons.

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