



Written by [Bob Adelman](#) on November 1, 2017

Utah Nurse Waives Lawsuit, Settles for \$500,000 in Patient Privacy Case

Alex Wubbels, the Utah nurse who was violently arrested after trying to protect her patient's Fourth Amendment rights last July, [received a \\$500,000 settlement](#) on Tuesday from Salt Lake City and the University of Utah which owns and operates the hospital. She waived any plans to sue, saying: "We all deserve to know the truth and the truth comes when you see the actual raw footage [from the officer's body camera] and that's what happened in my case. No matter how truthful I was in telling my story, it was nothing compared to what people [actually] saw and the visceral reaction people experienced when watching the footage of the experience that I went through."



She is donating part of the settlement to people seeking police body cam videos in confrontations they might have with police. The officer who arrested Wubbels and forced her into the back seat of his cruiser, Detective Jeff Payne, was initially placed on administrative leave and then later fired. His supervisor, James Tracy, was demoted for the role he played in Wubbels' arrest.

The online Huffington Post, the *Salt Lake Tribune*, and NPR covered her settlement, but each failed to mention the key element involved in the incident: the Fourth Amendment to the U.S. Constitution, which guarantees the right of citizens to be free from unreasonable searches and seizures. On duty in the burn unit of the University of Utah Hospital on July 26, nurse Wubbels received a comatose truck driver who was brought in on a stretcher. Minutes later Payne and Tracy showed up, demanding that they be allowed to draw blood from the driver to look for illicit substances.

Wubbels politely explained why she wouldn't allow it: The request was against hospital policy. The only way she would allow the blood-draw procedure would be if 1) Payne was there to place the driver under arrest, or 2) he had a warrant signed by a judge to perform the draw, or 3) he had obtained the driver's consent to do the draw.

None of those conditions existed. Payne got frustrated, grabbed Wubbels, and, as seen in YouTube videos by more than two million people, forced her into the back seat of his cruiser.

At the time, the head of the nurses' union National Nurses United, Jean Ross, got it right: It was all about protecting the unconscious driver's rights under the Constitution. Since he was unable to do so for himself, Wubbels stood for him against Payne. Said Ross: "As the videos and news accounts make clear, there is no excuse for this assault, or her arrest, which sends a chilling message about the safety of nurses and *the rights of patients*." (Emphasis added.)

Drawing a blood sample without such permission violates the Fourth Amendment, as noted by Amy Swearer, a legal scholar at the Heritage Foundation: "It is a long-standing rule that drawing blood is a



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‘search’ within the meaning of the Fourth Amendment because it is ‘an invasion of bodily integrity [which] implicates an individual’s most personal and deep-rooted expectations of privacy.’”

The wrongness had little to do with how roughly nurse Wubbels was treated, nor how long she was forced to stay in the back seat of Payne’s police cruiser. It was all about her standing up for her patient’s Fourth Amendment right to privacy when he couldn’t do so for himself. The incident gave the mainstream media a wonderful opportunity to explain to their audiences what was really involved in the incident. It’s too bad they missed that opportunity.

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelman@thenewamerican.com.

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