

d
by D D

Submission date: 21-Oct-2020 12:00AM (UTC+0800)

Submission ID: 1420997068

File name: case_Brief_2pgs_1.docx (15.47K)

Word count: 645

Character count: 3452

Case Citation: The case is called Wells versus Lester E. Cox Medical Center. It was filed on 9th October 2012 at Missouri Court of Appeals, Southern District, Division Two.

Issue: The legal question in the case is whether schools should deny learners with disabilities the opportunity to study if their conditions would alter the meeting of professional goals and objectives. Therefore, the judges were to decide how administrations should handle cases where learners have disabilities that affect the execution of the needed tasks in the profession.

Facts: The parties involved in the case are Jessica Wells, the plaintiff, and Lester E. Cox Medical Center, the Nursing and Health Sciences Department, the defendant. Wells suffers from hearing loss since the age of three, and the situation became worse due to delayed assistance. In 2006, Wells was admitted into College's overall education program, compensations for hearing aid tools as accommodations of the disability. In 2007, the College directed Janice lee, research whether Wells would perform well in the nursing field with the hearing loss. Lee reported that if the student was willing and determined to be a nurse, the complication would not affect her. However, she would encounter challenges due to stereotypes and prejudice.

Before the classes began in 2007, Wells was given new hearing aids with the expectation that she would not need the ASL interpreter during the clinical sessions. The Missouri Department of Vocational Rehabilitation took care of three quarter of the school's money to buy the above hearing aids. During the 2008 spring, the learner asked more hearing tools to finish her unit and the New Year's clinical tasks. The College rejected the request and eliminated the plaintiff from the ASN program. The school said that the hearing loss would partially or wholly affect the student's competence to execute clinical rotation roles. In 2009, Wells took a step to file a case in Circuit Court, Greene County, claiming the violation of section 213.065 of MHRA, which says that learners should be given reasonable accommodations to perform similarly with the others.

Court's Answer to the Legal Question: The court's answer was based on MHRA's definition of disability. It is where a physical or emotional condition develop imparting either whole or part of a person's major life activity. Besides, the person should perform the need job whether accommodations are provided or not (Wells versus Lester E. Cox Medical Center, 2012). The court categorized this definition into two. The person must have an issue affecting a chief life activity, and the case should not affect the functioning of the work, whether the accommodations are given or not. Reasonable accommodation means that undue financial or burdens are not introduced, and the programs' nature is not altered. The College insisted that providing the ASL translator during the clinical rotations alters the ASN program implying the plaintiff does not qualify to be named disabled. It is the case because the interpreters would impact the patients' safety and be unlikely to result in good performance expected in the program. Similarly, the ADA says that one should not be allocated accommodations during instances when accommodating disabled students in public would result in a direct threat to health as well as safety of other students (Wells versus Lester E. Cox Medical Center, 2012). The law implies that disabled people should not be allowed to show the institution controls discrimination at the expense of other parties such as patients.

Holding: The court favored the College claiming that the defendant brought up its argument deny plaintiff enrollment to the program on the basis of objective evidence. It means the College did not violate the law, as reported by the student, because she did not qualify being treated as disabled based on MHRA and the ADA.

Reference

Wells versus Lester E. Cox Medical Center. (9th October 2012). Missouri Court of Appeals,

Southern District, Division Two.

<https://www.leagle.com/decision/inmoco20121009274>

ORIGINALITY REPORT

0%

SIMILARITY INDEX

0%

INTERNET SOURCES

0%

PUBLICATIONS

0%

STUDENT PAPERS

PRIMARY SOURCES

Exclude quotes Off

Exclude bibliography On

Exclude matches Off