

Portland **Health**
Observer

Ruling Protects Pregnant Women Against Drug Tests

By LAURIE ASSEO
ASSOCIATED PRESS

WASHINGTON—Hospitals cannot test pregnant women for drugs without their consent and turn the results over to police, the Supreme Court ruled last week in a decision that bolstered the Constitution's protection against unreasonable searches.

The 6-3 decision in the case of drug-testing by a South Carolina public hospital said such testing violates the Constitution even though the goal was to prevent women from harming their fetuses by using crack cocaine.

Such tests require a search warrant or consent, the justices said. They ordered a lower court to determine whether the women at the Charleston hospital actually consented to the tests.

"While the ultimate goal of the program may well have been to get

the women in question into substance abuse treatment and off of drugs, the immediate objective of the searches was to generate evidence for law enforcement purposes in order to reach that goal," Justice John Paul Stevens wrote for the court.

When hospitals gather evidence for the purpose of incriminating their patients, "they have a special obligation to make sure that the patients are fully informed about their constitutional rights, as standards of knowing waiver require," Stevens said.

Some women were arrested from their hospital beds at the Medical University of South Carolina, a public hospital in Charleston. The women were jailed under the state's child-endangerment law, but their lawyers contended the policy was counterproductive and would deter women from seeking prenatal care.

Stevens' opinion was joined by Justices Sandra Day O'Connor, David

H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer. Justice Anthony M. Kennedy filed a separate opinion also deciding the drug tests were unlawful.

Dissenting were Chief Justice William H. Rehnquist and Justices Antonin Scalia and Clarence Thomas.

Writing for the three, Scalia said doctors are supposed to have the mother and child's welfare in mind, and "that they have in mind in addition the provision of evidence to the police should make no difference."


The Constitution's Fourth Amendment generally requires that searches be authorized by a court warrant or based on reasonable suspicion that a crime has been committed.

However, the Supreme Court has allowed drug testing without a warrant or individual suspicion when the government can demonstrate a

"special need." Under this reasoning, the court has authorized such testing of public high school stu-

dents and railroad workers involved in accidents. Wednesday's ruling means that drug testing of pregnant

women without their consent to protect fetuses cannot be considered a "special need."



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Team Battles Fraud in Disability Claims

Videotapes show people who claimed they were disabled doing routine things, such as shopping or building a fence

(AP) - A team of federal and state officials cracking down on disability claim fraud say they saved taxpayers \$7.5 million last year.

"Anybody who's thinking about faking a disability, our message is simple - think again," said Bobby Simpson, vocational rehabilitation division administrator for the Oregon Department of Human Resources.

At a news conference Thursday, Simpson showed three videotapes of people who claimed they were disabled doing routine things, such as shopping or building a fence.

One woman who claimed she was confined to a wheelchair was videotaped loading up her chair with household items from a pickup truck, and then pulling the chair up the stairs of a house.

A man who claimed he was confined to bed or a wheelchair was taped building a fence, and another man seen hobbling to his doctor's office with a cane was later taped walking normally into a store to shop and

emerging with his purchases - no cane in sight.

Simpson joined Dennis Lynch, a special agent with the Social Security Administration's Office of the Inspector General, and Charles Gorder, an assistant U.S. attorney for Oregon, to announce the joint state-federal team results for last year.

Oregon is the first statewide team because federal agents paired with the Oregon State Police, giving them jurisdiction to pursue fraudulent claims across the entire state.

Lynch emphasized the vast majority of disability claims are legitimate, but the relative handful of fraudulent cases cost millions of dollars.

Lynch said most cases are not prosecuted because the fraudulent claims are denied or halted before they become too costly, but investigators are pushing hard to take major fraud cases to court. Those convicted could face up to 10 years in a federal prison for theft of government property.

The Doctor's Corner

It's Time to Move On

Dear John,

I'm 25-year-old female who has been involved with "Ben" for the past nine months. From the start, Ben made it clear that he wasn't looking for a relationship. On the other hand, I fell in love with him. We saw each other exclusively. Once I admitted my feelings, Ben pulled away from me. We had the "let's just be friends" conversation, then he told me he didn't want me in his life at all.

The problem is that when I see him at school or in a public place, Ben is the one who approaches me with kisses or says things that confuse me as to how he really feels. When is it time to walk away, even if your heart doesn't want to? Is it possible to remain friends in the aftermath?

Tired of endings and beginnings in Portland

Dear Tired,

Thanks for writing. It's time to smell the coffee and deal with your losses.

Ben wants to move on, regardless of any kindness that he may show you when you meet in public.

It seems that he doesn't feel the same way you feel about him. It's time to move on and work on dealing with your life. The first thing you need to work on is your boundaries with Ben. The second thing is to work on loving yourself again. It's best not to date until you

find yourself. Write your thoughts down in a journal with the focus on healing yourself. We must fully feel the grief from our losses. Through the process of writing in your journal you can open up honestly and put yourself in a better position for your next relationship. Remember, good endings clear the way for good beginnings.

Make Your Life Outstanding!



By John Oda, Ph.D.

for The Portland Observer

John P. Oda, Ph.D., NLP is a Peak Performance Expert with 13 years experience in the mental health field and a regular featured writer for the Portland Observer. If you have any questions for The Doctor's Corner, email your question to news@PortlandObserver.com.

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