

'Shy bladder' syndrome leads to lawsuit

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DES MOINES, Iowa -- A would-be administrator who failed a job-related drug test due to anxiety over giving a urine sample has sued Iowa Methodist Medical Center for failing to make a reasonable accommodation to her alleged disability.

Federal court papers filed in Des Moines this month accuse Iowa Methodist of violating Jennifer Conner's rights after the hospital determined that Conner failed a company-ordered drug test last June because she did not complete it.

Conner, who graduated from Des Moines University in May 2012 with a master's degree in health care administration, applied for a job as organ transplant financial coordinator with Iowa Methodist Transplant Center. She was offered the job June 22 and told to report three days later for a drug test.

Court papers say Conner was diagnosed during adolescence with paruresis, commonly referred to as "shy bladder" syndrome. It's an anxiety condition that creates an inability to urinate in public restrooms or in close proximity to other people.

Documents say Conner had managed the condition by using single-stall restrooms or by running water to cover the sound of her urinating, court documents say. "If Conner cannot flush the toilet or run the water in the sink, she is generally unable to urinate in a public restroom," according to the lawsuit.

Court papers say nurses at the assigned facility placed Conner in a room without running water, then knocked on the door after only 4 minutes. Two minutes later, nurses knocked again, according to the complaint, increasing Conner's anxiety.

The lawsuit, filed under a 2009 expansion to the federal Americans With Disabilities Act, says Conner was asked to relinquish her restroom so someone else could use it. "While in the waiting room, Conner began to experience significant physical discomfort because she needed to urinate, but could not," according to the lawsuit. "She also began to feel increasingly anxious and began to cry."

Conner, who lives in Indiana, has not responded to requests for comment.

A spokeswoman for UnityPoint, which includes Iowa Methodist, declined to comment on pending litigation. UnityPoint previously was Iowa Health Systems.

Tom Foley, Conner's attorney, said paruresis qualifies as a disability under the 2009 Americans With Disabilities Act Amendments Act, which was intended to place the legal focus more on steps taken by businesses than on the definition of a worker's shortcomings.

Lawsuits brought under the original, more narrow law were difficult to argue because attorneys had to prove that their clients were disabled and were able to work with a little help, Foley said.

Before the amendments, "It was getting to the point where attorneys were getting gun shy to bring these kinds of claims because they'd get thrown out of court," Foley said. "You had this small little target that you were trying to hit."

Patrick Smith, a Des Moines attorney who publishes a blog on Iowa employment law, said it's likely that lawyers won't even argue over Conner's disability but instead will focus on whether the hospital could reasonably be expected "to administer the test in some way that allows her to do what she needs to do to provide them a sample."

<http://www.usatoday.com/story/news/nation/2013/04/26/shy-bladder-syndrome-leads-to-lawsuit/2116903/>