

American Nurses Association
8515 Georgia Avenue, Suite 400
Silver Spring, Maryland 20910-3492
Tel (301) 628-5000
Fax (301) 628-5001
www.NursingWorld.org

NEWS RELEASE



FOR IMMEDIATE RELEASE
April 14, 2008

CONTACT: Mary Stewart, 301-628-5038,
Mary.Stewart@ana.org
Mary McNamara, 301-628-5198
mary.mcnamara@ana.org

American Nurses Association Supports Maryland Whistleblowers

SILVER SPRING, MD – The American Nurses Association (ANA) joined with the Public Justice Center, the American College of Nurse-Midwives, and the Maryland Nurses Association, among others, to file an amicus brief on Friday, April 11, 2008, in the case of Lark v. Montgomery Hospice, Inc., pending before the Court of Appeals of Maryland. As “friends of the court,” ANA and the other groups argued that the Health Care Worker Whistleblower Protection Act was intended to protect health care employees from retaliation when they disclose illegal activity internally to their employer, and not just when an employee also makes a subsequent disclosure to an external agency.

In this case, the Maryland Circuit court considered the claims of an employee who had repeatedly brought practices that she believed to be unsafe and illegal to the attention of her employer. The employee was subsequently fired. The Circuit Court determined that the employer was not liable because the employee did not go beyond her supervisory chain with the disclosures. ANA and the other amici contend that the linking of internal and external disclosures in the Maryland law occurs in connection with the grant of whistleblower protection for external disclosures. In other words, protection for an external disclosure is conditioned on the employee’s having made an earlier internal disclosure, in order to give the employer a chance to correct the situation. However, the law provides that whistleblowers are protected for the internal disclosure alone. This is made abundantly clear in a number of ways, including the fact that the Maryland law protects even the threat of disclosure to a supervisor or outside agency.

Rebecca M. Patton, MSN, RN, CNOR, President of the American Nurses Association stated, “The registered nurses in Maryland must get the legal protection that the legislature intended when it adopted the state whistleblower protection law. Nurses have to be protected when they blow the whistle within the employer’s organization, so that they can try to attain immediate action to stop unsafe and illegal practices.”

The amicus brief noted the growing cultural and legal recognition of the importance of whistleblowers in advancing society’s values. “Health care workers have to have legal protection for their courageous acts of whistleblowing, so that they are able to protect the interests of their patients without suffering dire financial and professional consequences,” said Linda J. Stierle, MSN, RN, CNAAB, CEO of the American Nurses Association.

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The ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its 54 constituent member nurses associations. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.