

Background

Whistleblower laws prevent employers from taking retaliatory action against nurses through actions including suspension, demotion, harassment or discharge for reporting improper quality of patient care. Across the nation, nurses are speaking out or "blowing the whistle" against workplace conditions that jeopardize patients and staff and they need legal protection. With the restructuring of health care and its cost cutting measures, nurses are frustrated as they try to provide quality patient care while staffing levels, resources and support are often inadequate.

As part of the American Nurses Association's (ANA) Nationwide State Legislative Agenda, ANA, in cooperation with State Nurses Associations, is promoting strong whistleblower laws on the state level that provide legal protections so nurses can be patient advocates without fear of reprisal.

In 2003, **AZ** passed the Patient Safety Reporting Act that protects health care professionals who report any violations that put a patient at risk, from retaliation by a health care facility; it also sets up reporting procedures and policies. **IL** enacted legislation protects hospital employees from discrimination or retaliation for disclosing information or refusing to participate in any activity that poses a risk to a patient's health, safety or welfare. Legislation enacted in **ME** protects a health care worker who reports a deviation from standards of patient care. **UT** makes technical changes to state labor laws by adding retaliatory acts such as discharge, demotion or any other form of retaliation by an employer, prohibited. **VA** specifically prohibits hospitals from retaliating against complainants who, in good faith, provide information to any entity having responsibility for protecting the rights of patients; complainant identity will also remain confidential.

In 2002 legislation enacted in **MD** prevents retaliatory action against any individually licensed or certified employee who discloses to a supervisor or board an activity, policy or practice that is in violation of a law, rule, or regulation. **NY** enacted legislation prevents an employer from taking retaliatory action against an employee who discloses to a supervisor or a public body an activity that constitutes improper quality of care or refuses to participate in that activity. The law also establishes a fund that consists of money received from civil penalties related to this law to be used for improving quality of patient care. **FL** passed a measure to protect employees but only for complaints to the Medicaid Fraud Control Unit.

In 2001 **OR** enacted legislation that prevents a hospital from taking retaliatory action against nursing staff for disclosure of an activity, policy or practice of the hospital that is in violation of a law or professional standard of practice and that poses a risk to patients. The law also protects the nurse from participating in any activity that the nursing staff believes poses a risk to the patient. **WV** law prevents retaliation or discrimination against any health care worker who reports wrongdoing or waste or advocates on behalf of a patient in regards to care.