

## WHISTLEBLOWING/PATIENT ADVOCACY PROTECTIONS FOR NURSES

### POSITION

The American Nurses Association (ANA) supports legislation to protect the nurse's right to speak out about activities, practices, or conditions that threaten the health and safety of their patients or the environment.

### BACKGROUND

Whistleblowing is the public disclosure of unlawful or hazardous activities or practices by members of one's own organization. This action often occurs after employees have exhausted existing channels for correcting problems or when employers are unresponsive or have retaliated in the past.

Whistleblowing by nurses usually results from concern about issues that jeopardize the health or safety of patients or place the employee at risk due to occupational safety and health violations. Although nurses are responsible for patient care and well-being, they often are powerless when another health care provider engages in unethical or life-threatening practices. There have been a number of legal cases involving nurses who have "blown the whistle" on their employers. In particular, nurses have been instrumental in identifying violations of research standards and refusal of care to newborns.

In 1989, Congress enacted the Whistleblower Protection Act to protect federal workers. This law was expanded in 1994 to cover workers in veterans' facilities hired under Title 38, as well as government corporation employees. However, current whistleblower laws remain a patchwork of incomplete coverage. Fear of reprisal and lack of protection prevent many employees from taking the risk of speaking out to protect public health and safety. Reprisals may include dismissal, harassment, or blacklisting.

### RATIONALE

ANA contends that an over-reliance on individual scrutiny has failed to address the burgeoning system problems that have fostered poor patient care. For registered nurses, patient advocacy is at the heart of their professional commitment. It is a priority of nursing organizations representing the full spectrum of nursing specialties, including advanced practice and staff nurses, whether or not its members engage in collective bargaining: this is because patients depend on nurses to ensure that they receive proper care. Patients must be assured that nurses and other health care professionals, acting within the scope of their expertise, will be able to speak for them without fear of retaliation. 