

Nurse As Whistleblower: Disparaging Comments To Family Member Are Not Protected By Law.

Suspicious began to surface about an aide working at the nursing home. He was caught with pornographic magazines at work. Someone said he had lost his last job under clouded circumstances. One resident began clamping her legs together while being bathed, a sign she had possibly been abused by a caregiver.

The state department of health received an anonymous tip and came to the facility to investigate.

After the investigation several employees, including the night charge nurse, were issued corrective notices for failing to report signs of possible patient abuse up through the chain of command.

A few months later, having heard of the investigation, a family member of the suspected victim came in to in-

A healthcare employer cannot retaliate against an employee who, in good faith, makes a report of suspected abuse or neglect of a patient, or theft of a patient's property, to the state department of health or to other law-enforcement authorities.

Disparaging comments to others about possible abuse, however, are not protected by the whistleblower law.

COURT OF APPEALS OF OHIO
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quire what had happened.

The night charge nurse told her flat out that policies and practices at the facility were wholly inadequate to deal with problems of patient abuse. The family member understandably became very upset and complained to management.

The night charge nurse was fired. The Court of Appeals of Ohio upheld the facility's right to fire her for disloyal conduct detrimental to her employer.

The laws which protect whistleblowers have been expressly drafted only to protect good faith reports of abuse to proper legal authorities, the court pointed out. **Thompson v. Merriman CCRC, Inc., 2006 WL 3302508 (Ohio App., November 15, 2006).**