

## Whistleblower: Court Lets Nurse's Case Go Forward.

A nurse gave antibiotics to another nurse who had a staph infection.

The nurse who gave the antibiotics believed the other nurse should not have continued working with patients. She spoke with her supervisor, hospital security and infection control about her concerns.

At the same time there was also a great deal of animosity between the two nurses that required their supervisors to call them into a meeting to discuss incidents that were going on in the workplace in front of patients.

The first nurse was terminated on grounds of violation of patient confidentiality for discussing the other nurse's staph infection with higher-ups at the hospital.

She sued for violation of the state's whistleblower protection statute.

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***A report is made in good faith only when there is reasonable cause to believe a dangerous condition or practice exists and the report is motivated by a genuine desire to stop the dangerous condition.***

SUPREME COURT OF MAINE  
March 3, 2011

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Regardless of what else was going on between the two nurses, the Supreme Court of Maine ruled the fired nurse was entitled to her day in court.

A healthcare employee is protected from employer retaliation when he or she reports a deviation from applicable standards of patient care or a dangerous condition or practice that poses a risk to the safety of patients or co-workers.

The nurse will have to prove that her ongoing complaints to her supervisors about the other nurse were realistically related to patient health and safety even though the infection control nurse had assured her that the other nurse posed no such threat. ***Stewart-Dore v. Webber Hosp.***, \_\_\_ A. 3d \_\_\_, 2011 WL 723545 (Me., March 3, 2011).