

Whistleblower: Court Discusses CNA's Rights.

A resident assistant in an adult foster care facility claimed she repeatedly reported to her charge nurse that a resident had a wound on his bottom that was not healing and that she continued to see blood in his underwear.

She was told to use Gold Bond powder, which did not seem to work.

After leaving work one day the aide phoned the state department of social services. A state investigation followed. The report of the state investigation said there was no problem with the particular resident's care and he himself reported to investigators he did not feel his care was being neglected.

The investigators did cite the facility for three violations, two involving the administrator's qualifications and a third relating to medical records issues.

When the aide's supervisor figured out she was the one who filed the report she did not do anything except put in her file a positive evaluation she had already completed. The aide took time off for a medical leave, another person was called in to do her job and the aide was laid off when her physician let her return to work.

The US District Court for the Eastern

A healthcare employee absolutely cannot suffer employer reprisals for reporting to proper authorities what the employee realistically believes to be abuse or neglect of a vulnerable patient.

UNITED STATES DISTRICT COURT
MICHIGAN

District of Michigan reiterated the strong legal protection the law affords to whistleblowers but found the evidence inconclusive in this case that the aide was laid off in retaliation for her report to social services. **Taylor v. Alterra Healthcare, 2007 WL 2571978 (E.D. Mich., September 4, 2007).**