

## Whistleblower: Court Turns Down Tech's Lawsuit.

Nearly two years after he last complained to his supervisors about certain patient-safety issues, an imaging technician was fired over an angry outburst at a co-worker in front of a patient.

The technician sued the hospital, claiming to be a whistleblower actually fired in retaliation for his complaints.

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***The technician complained to his supervisors that patients were being left alone in the hallways, that two persons should be used to transfer patients from a stretcher to the CT table and that a pregnant woman had had a CT scan, which he considered unsafe.***

SUPREME COURT OF MISSOURI  
February 9, 2010

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The Supreme Court of Missouri dismissed his lawsuit.

State and Federal laws state in very general terms that every patient has the right to receive care in a safe setting.

However, the technician was not able to point to any specific statute or regulation at the state or Federal level which expressly forbids patients on stretchers being left in hospital hallways, or which expressly mandates two staff persons for certain types of transfers or which expressly defines when a pregnant patient can and cannot have a CT scan.

Complaining about an alleged violation of a vague, generalized policy in favor of patient safety does not clothe a health-care employee or former employee in the special status of a whistleblower.

To be able to sue for wrongful discharge, a true whistleblower must have challenged a clear violation of a statute or regulation which expressly defines a standard for patient care. **Margiotta v. Christian Hosp.**, \_\_ S.W. 3d \_\_, 2010 WL444886 (Mo., February 9, 2010).