



## **CHECK LIST FOR THE WHISTLE BLOWER OR THINGS EVERY WHISTLE BLOWER SHOULD KNOW**

In Texas, the Nursing Practice Act contains a whistle-blower clause. The whistle-blower clause protects registered nurses who report concerns about patient safety. If the registered nurse believes in good faith that the actions of a regulated entity (registered nurse, health care facility or other licensed provider) could harm or produce risk of harm to a patient or other person, and reports those concerns to the employer or regulatory authorities, the nurse cannot be retaliated against. If in fact, retaliation does occur, the registered nurse has a cause of action against the entity who engages in that retaliation. To get a complete copy of this law, order *TNA's Annotated Guide to the Texas Nursing Practice Act* at the online TNA marketplace. Or phone TNA at 512-452-0645.

If a registered nurse detects a problem with patient safety or patient rights, she/he should consider the following checklist before taking action. It is important to correct patient safety concerns while protecting yourself in advocacy situations.

- If you identify an illegal or unethical practice, **reserve judgment** until you have adequate documentation to establish there is wrongdoing.
- **Do not expect those who are engaged in unethical or illegal behaviors to welcome any questions** or concerns you have about the practice.
- **Seek the counsel of someone you trust** outside of the situation to provide you with an objective perspective.
- Before acting, if at all possible, **consult with your professional organization** or a legal counsel. Getting consultation can help you understand the laws and regulations that apply to the whistle-blowing situation and will help you in taking appropriate steps to solve the problem you have identified.
- Remember **you are not protected in a whistle-blower situation from employer retaliation** until you blow the whistle.
- Blowing the whistle means that you **report your concern to your employer**, national and/or state agency responsible for regulation of the institution for which you work, or in the case of criminal activity, to law enforcement agencies. You may also report concerns to national accrediting groups such as JCAHO or NCQA and receive protection as a result of changes to the hospital licensing regulations.
- **TNA recommends that All whistle-blowing be done in writing** to employers and as a formal complaint when notifying state or national agencies of concerns. Concerns expressed in writing provide a record of the date and circumstances under which you brought an issue to the attention of an employer or a regulatory agency. The written word provides credibility that a word-of-mouth complaint does not.
- **Document all interactions related to the whistle-blowing situation** and keep copies for your personal files of every piece of written documentation related to the situation. Such documentation could include memos that describe the interaction and or a personal log of the interactions for future reference.

- **Keep all documentation and interactions objective.**
- **Remain calm and do not lose your temper.** When those you are documenting become aware of your activities (and they will), they might attempt to provoke you.
- Remember, **blowing the whistle is a very serious matter.** The results can be negative for everyone involved so do not frivolously blow the whistle. Make sure you have correct facts before taking action.