

Pharmacy Practice News

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Pharmacists Urge Colleagues To Do the Right Thing...

Whistle-Blowers Share Survival Strategies

Atlanta—The cynical adage "no good deed goes unpunished" was never more true for three pharmacists who reported actions at their institutions that they allege caused patients to suffer and even die. For their diligence, the pharmacists claim, they were persecuted by their bosses and subject to scorn, and they lost their jobs. Pharmacy Practice News asked the three whistle-blowers to share some of their hard-earned lessons so that colleagues who follow in their footsteps might be able to avoid or minimize the personal and professional fallout that they suffered. Here are their stories, based on a "Meet the Experts" session on whistle-blowing at the 2003 annual meeting of the American College of Clinical Pharmacy, and follow-up interviews.

Think Ahead

Actively imagine how you would respond to a work situation in which you were expected to compromise your personal or professional ethics in order to keep your job or maintain favor with your supervisors, counseled Scott D. Harrington, PharmD, Director of Pharmacy at Northern Cochise Community Hospital, Willcox, Ariz. "It can be easy to become complacent when things are going well at work. And I think that most of us, myself included, would like to believe that we would never find ourselves in such a situation."

Dr. Harrington, Chair of the ACCP session, speaks from experience. He lost two jobs after reporting unethical and dangerous medical practices and fiscal irregularities. One of the problems he reported involved clinicians who did not know how to use a crash cart during a cardiac arrest, and who then failed to report the incident (the patient died). He also reported a pharmacy error that resulted in gross chemotherapy overdose, after which a clinician threw the incriminating evidence into a waste basket.

Dr. Harrington suggested that pharmacists should consider the options they would have to support themselves and their families if they were fired for whistle-blowing. "Don't get caught off guard as I did," he said.

He encouraged those who have contemplated speaking out on suspicious events to discuss the prospects with people they respect and determine what kind of support they will have, especially if things are heating up on the job. Dr. Harrington noted that even though the reasons that he was fired from two jobs were completely unjustified, he was still placed in a vulnerable position when it came to seeking new employment. "If one unjustly loses a job at the whim of a corrupt supervisor, they're stuck in the middle and have to explain why they were fired," he said. On the other hand, being an outspoken advocate for good pharmacy practice may earn respect from a potential employer. Dr. Harrington's strategy was to tell prospective employers up front his side of the story in as objective a manner as possible.

Jeffrey Fudin, PharmD, Clinical Pharmacy Specialist at the Stratton Veterans Affairs Medical Center Hospital in Albany, N.Y., noted how easy it is to settle comfortably into a clinical career, never thinking about how quickly a situation can change. He stressed, however, that good pharmacists—even a whistle-blower like himself—will always have a job simply because of market demand. (For more details on Dr. Fudin's whistle-blowing odyssey, see page 10.)

Choose Your Battles

Not all infractions are worthy of reporting, particularly if doing so will needlessly strain relationships with peers or supervisors, or put your job in jeopardy. "Keep in mind that whistle-blowing is not about imperfections of individuals or organizations—it is about exposing major hazardous or ethical flaws when the standard channels for resolution have failed," said Dr. Harrington, adding that if there are activities that simply bother you but are not ethically wrong or are a matter of personal interpretation, the best strategy may be to make adjustments and keep quiet. The difficult choices come when the violations test your ethical compass.

But sometimes the battle chooses you, and the notion of choice evaporates under the glare of abuses so heinous that only a single honorable course of action is left. Sometimes, said Dr. Fudin, "there's no way around [reporting] problems. You're in a bad place at the wrong time, and you're faced with a professional obligation to the patient. If you don't do something in those instances, you have no business staying in the profession." He observed that the American Pharmacists Association Code of Ethics unequivocally enjoins pharmacists to protect their patients.

Before initiating any complaint, Dr. Harrington suggested taking an honest look at your own job performance: "You're not in a good position to criticize others if you have significant performance flaws of your own."

Question Authority

Beware of authority figures who may intentionally or unintentionally direct you to violate regulations, cautioned Dr. Harrington. "Trust your own intuition regarding regulations and don't be afraid to challenge authority figures if you believe they're wrong. You may be protecting your license as well as the licenses of other staff and the institution as a whole." Ultimately, he suggested that even a threatening supervisor is no excuse for knowingly violating the standards of the profession.

"Many of us have been taught from childhood not to rock the boat, but it's called for in this situation. If I yield to an errant physician out of fear and the patient suffers, I still have my share of liability," Dr. Harrington said.

Be Sure To Document

Keep records of everything relevant to the situation. "I can't stress that enough," said Dr. Fudin, "because if push comes to shove and you end up in court, you will need that documentation. If I didn't have the level of documentation that I did, there's no way I would have gotten my job back." Anthony Mariano, RPh, Dr. Fudin's former supervisor (see related story, page 10) advises whistle-blowers to keep a daily log of every incident and every conversation related to their disclosures and suspected retaliations, regardless of how trivial they may seem. Make secure duplicates of electronic files and hard copy. If necessary, he added, photocopy patient records, taking care to preserve confidentiality. "Don't forget to save items that demonstrate effective performance on your part," Dr. Harrington added.

Mr. Mariano quipped that "the worst thing [the VA Hospital] could have done was retaliate against pharmacists, because by nature we're trained to document just about everything we do."

Use Proper Channels

Initially, report offenses through the established chain of command. But when your charges are ignored, investigations are derailed, or retaliations occur, consider a new strategy. "This may be especially true when institutions conduct their own internal investigations," said Dr. Harrington. "The chain of command may be corrupt, and whistle-blowers are often fired while pursuing 'proper channels.'" When you get stonewalled, added Mr. Mariano, the best strategy may be to go directly to the highest levels of your organization or take the story public through the media.

"Looking back, I probably would have contacted the press instead of waiting until this became public as a result of the FDA investigation," said Dr. Fudin. "Nothing got done until the story went public." Mr. Mariano added that without media coverage, the research violations and alleged cover-ups at the VA might have continued indefinitely.

Take Care of Yourself

Take care of yourself emotionally and physically, said Dr. Harrington. Seek support from people who will provide you with encouragement and advice, such as a spouse or partner, family members, friends, your faith community and professional counselors. Be prepared for internal doubts about your actions. Hold regular reality checks with trusted colleagues or friends in other fields who you believe will give you honest, rational opinions and won't simply tell you what they think you want to hear or give false reassurances.

Dr. Fudin and Mr. Mariano both drew strength from their families. "My children had a calming affect on me when I came home from a stressful day at work," said Mr. Mariano. "I used the experience to educate them that not everyone in the world is ethical and that you need to fight for what you believe is right." Dr. Fudin said he wasn't even aware of how "tightly I was wound" until after he was fired. Indeed, Dr. Harrington was diagnosed with post-traumatic stress disorder (PTSD) and experienced excessive and prolonged anxiety and many sleepless nights. Although Dr. Fudin was never evaluated for this disorder, he said, he also exhibited PTSD symptoms.

Even when your concerns are valid, brace for the potential of a prolonged onslaught of retaliation and attempts to discredit you. You may, if fortunate, find superiors who will stand behind you and correct the problems you've revealed. But don't count on it. "To an insecure supervisor, simply making a critical report—regardless of how inconsequential the subject matter—can seem very threatening and may automatically cast you in a negative light. You will be scrutinized closely by your peers and superiors and very possibly labeled a troublemaker," Dr. Harrington said.

And don't depend on the kindness of strangers—or even friends. "Some people [unexpectedly] bent over backward to help me, but some were more concerned with personal gain than with doing the right thing," said Dr. Fudin.

Whistle-blowing, added Dr. Harrington, takes an enormous amount of physical and emotional energy and should be considered as a last resort. But turning away carries its own price. Had he not come forward, Dr. Harrington suspects he would have been consigned to working in a chronic state of fear, anger, frustration and job dissatisfaction: "Keeping quiet would ultimately have been more expensive than speaking out."

–Steve Frandzel