

June 24, 2020

Richard J. Pollack
President and Chief Executive Officer
American Hospital Association
800 10th Street, N.W.
Two CityCenter, Suite 400
Washington, DC 20001-4956
Delivered by email to rick@aha.org

Dear Mr. Pollack:

In the United States there are approximately 30,000 new confirmed cases of coronavirus infection each day and that number is increasing.¹ As businesses reopen and social restrictions ease, many cities and states are seeing COVID-19 cases and hospitalizations on the rise again.² The pandemic is far from over, and health care professionals and hospital support workers continue to put their lives on the line fighting this virus. Moreover, hospitals still struggle with maintaining adequate protective gear and personnel to properly combat the pandemic.

Disturbingly, health care professionals and hospital support workers continue to refrain from coming forward with their concerns about inadequate medical supplies and dangerous working conditions for fear of retribution. In the [group letter](#) we sent you on March 27, 2020, signed by 54 organizations, we urged the American Hospital Association (AHA) to publicly denounce any efforts to muzzle health care professionals with threats of disciplinary action for speaking out about COVID-19 patient caseloads and dwindling hospital supplies needed to care for such patients.

The [AHA's reply](#), dated March 27, 2020, rebuffed our request by saying, "the AHA has not heard any reports of hospitals or health systems restricting the free speech of physicians, nurses or others regarding the conditions related to COVID-19." Since then, we have found numerous examples of health care workers facing punishment for speaking out against hospital policies and preparedness including the following:

Dr. Ming Lin was fired from PeaceHealth St. Joseph Medical Center in Bellingham, WA, after complaining to his superiors about the hospital's lack of coronavirus preparedness and then going public about it on YouTube and Facebook when the hospital did not respond to his concerns. He called for faster turn-around in testing, an area where healthcare workers could disinfect to avoid carrying the virus back to their families and the community, and better personal protective equipment (PPE).

- *Los Angeles Times*, April 3, 2020³

¹ *Coronavirus in the U.S.: Latest Map and Case Count*, NEW YORK TIMES, <https://nyti.ms/2AVXmr6>.

² Arielle Mitropoulos, Soo Rin Kim and Ella Torres, *Novel Coronavirus Hospitalizations Increasing in 17 States*, ABC NEWS (June 19, 2020), <https://abcn.ws/2B5vJwa>.

³ Richard Read, *Doctor Fired After Criticizing his Hospital for Coronavirus Response*, LOS ANGELES TIMES (April 3, 2020), <https://lat.ms/2MK5wpk>.

Dr. Samantha Houston lost her job at Baptist Memorial Hospital-North in Oxford, MS, after sending e-mails to colleagues about the lack of PPE in the hospital and organizing a donation drive for masks and baby monitors. According to the article, at least one additional doctor in Mississippi was fired for advocating for stronger safety measures.

- *Mississippi Today*, April 5, 2020⁴

Kenisa Barkai was fired from her nursing job at Sinai-Grace Hospital in Detroit, MI, after complaining about her workload and poor conditions at the hospital while treating coronavirus patients.

- *Detroit Free Press*, April 6, 2020⁵

HCA Healthcare, the largest healthcare system in the country with 185 hospitals in 20 states, e-mailed guidelines to employees telling them they could get disciplined or fired for posting information on social media or speaking to journalists. Jhonna Porter, a charge nurse, was suspended retroactively from West Hills Hospital in California for posting in a private Facebook group about the lack of hospital equipment on the COVID-19 floor.

- *Business Insider*, April 7, 2020⁶

Ten nurses at St. John's Health Center in Santa Monica, CA, were suspended when they demanded N95 masks before working in the COVID-19 unit.

- *CNN*, April 17, 2020⁷

Ana Sanchez, an obstetrician at St. Joseph Hospital in Orange, CA, was suspended after complaining about the lack of PPE and posting a video on Facebook showing inadequate social distancing by hospital workers.

- *Medscape*, April 27, 2020⁸

Adam Witt, the local nurses' union president, was fired from Jersey Shore University Medical Center after he took the day off to defend a nurse at a disciplinary hearing. The nurse had raised concerns about coronavirus exposure at the hospital.

- *New York Times*, April 27, 2020⁹

⁴ Kayleigh Skinner and Erica Hensley, *Two Mississippi Doctors Fired after Speaking Out about Coronavirus Safety*, MISSISSIPPI TODAY (April 5, 2020), <https://bit.ly/3hbNjWc>.

⁵ Kristen Jordan Shamus and Darcie Moran, *Detroit Free Press*, and Robin Erb, *Bridge Magazine*, *Nurses Protest Conditions at Detroit's Sinai-Grace, Said They were Told to Leave*, DETROIT FREE PRESS (April 6, 2020), <https://bit.ly/37dT4rm>.

⁶ Allana Akhtar, *Leaked Memo Reveals the US' Largest Health System Could Fire Nurses Who Post Coronavirus Policies on Social Media – and a Nurse has Already been Suspended without Pay*, BUSINESS INSIDER (April 7, 2020), <https://bit.ly/2AQsFns>.

⁷ Paul P. Murphy, *10 Coronavirus-unit Nurses are Suspended, Potentially for Weeks, for Refusing to Work without N95 Masks*, CNN (April 17, 2020), <https://cnn.it/3dIl5cG>.

⁸ Sheila Mulrooney Eldred, *Doc Suspended for Exposing Poor Social-Distancing Practices, She Says*, MEDSCAPE (April 27, 2020), <https://wb.md/2zmk0bW>.

⁹ Noam Scheiber and Brian M. Rosenthal, *Nurses and Doctors Speaking Out on Safety Now Risk Their Job*, NEW YORK TIMES (April 27, 2020), <https://nyti.ms/2zi8dLE>.

Tasha Smith, a nurse at Mount Sinai Hospital in New York, NY, was fired after complaining that she was uncomfortable treating coronavirus patients without the proper PPE.

- *New York Times*, April 27, 2020¹⁰

The chief operating officer of New York Presbyterian Hospital told staff to “stop sending e-mails, cards, and letters saying that we are disrespecting you. If you feel that way... it raises for us whether you, in fact, want to keep working for New York-Presbyterian.”

- *Medical Economics*, May 11, 2020¹¹

These stories indicate that efforts to muzzle health care professionals and hospital support workers by hospital administrators have been a pervasive problem throughout the pandemic. And, given how underreported workplace retaliation can be, these media reports fail to represent the full extent of the problem.

Given the ample evidence of retaliation in the face of truth telling, why has the AHA still not made a clear statement to hospital administrators that it is unacceptable to fire, suspend, or reprimand workers who come forth with very real concerns about limited supplies and problematic hospital policies?

More than 84,000 healthcare workers in the U.S. have contracted COVID-19 according to the CDC,¹² and nearly 600 have died.¹³ For every healthcare worker infected, many more family members and patients are put at risk. As the frontline of the healthcare system, they are in the best position to observe where the system is weak or failing. The health of our nation depends upon hearing their voices.

We once again strongly urge the American Hospital Association to publicly denounce any efforts to muzzle healthcare professionals and hospital support workers. The AHA must call on its member hospitals and healthcare systems to encourage their doctors, nurses, and other hospital workers to speak freely about scarce hospital supplies, COVID-19 patient caseloads, inadequate staffing, and any other challenges that put worker safety at risk that should be immediately addressed.

Thank you for your prompt attention to this urgent public health matter. Please contact Dr. Michael Carome, Director of Public Citizen’s Health Research Group, at mcarome@citizen.org, or Dr. Juley Fulcher, Worker Health and Safety Advocate at Public Citizen’s Congress Watch, at jfulcher@citizen.org with your response.

Sincerely,

¹⁰ *Id.*

¹¹ Rebekah Bernard MD, *Coronavirus Pandemic Demonstrates Disconnect between Executives and Doctors*, MEDICAL ECONOMICS (May 11, 2020), <https://bit.ly/2YeGVye>.

¹² CENTERS FOR DISEASE CONTROL AND PREVENTION, *Coronavirus Disease 2019 (COVID-19): Cases in the U.S.*, <https://bit.ly/2MIm00J>.

¹³ Christina Jewett, Melissa Bailey, and Danielle Renwick, *Exclusive: Nearly 600 – and Counting – US Health Workers have Died of COVID-19*, KAISER HEALTH NEWS (June 6, 2020), <https://bit.ly/37eGXKy>.

ACORN 8

Adnan Ahmed, MD, Inpatient Adult Division Director, Northwell Hospital

American Civil Liberties Union

American Federation of Teachers

American Muslim Health Professionals

Autistic Self Advocacy Network

Broome Tioga Green Party

Coalition on Human Needs

Communications Workers of America (CWA)

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Debs-Jones-Douglass Institute

Doctors in Politics

Doctors of Gaming

DP MEDICAL SERVICES

Elizabeth Dewey, MD

Equality North Carolina

Government Accountability Project

HER Foundation

Hisam Goueli, MD

HPEC

International Chemical Workers Union Council

IWJSD

Labor or Love Safety Training

MassCOSH - MA Coalition for Occupational Safety & Health

National Advocacy Center of the Sisters of the Good Shepherd

National Center for Health Research

National Employment Law Project

National Employment Lawyers Association

National Nurses United

National Partnership for Women & Families

National Women's Law Center

New Jersey Work Environment Council

Private Practice

Progressive Doctors

Public Advocacy for Kids

Public Citizen

Public Employees for Environmental Responsibility (PEER)

Public Justice Center

R1 Labs

SafeWork Washington

June 24, 2020

Letter to the American Hospital Association

Times Up Healthcare

Union of Concerned Scientists

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

University of Illinois at Chicago Center for Healthy Work

Virginia Organizing

Western New York Council on Occupational Safety & Health

Whistleblowers of America

Worksafe

Yasin Khan, Director of Public Programs, Labor Occupational Health Program