

New York Law Journal Reports on Kelley Drye's Successful Defense in Health Care Whistleblower Ruling

March 25, 2014

The article discusses the case *Von Maack v. Wyckoff Heights Medical Center*, in which a team of Kelley Drye attorneys achieved a significant victory for client Wyckoff Heights Medical Center by obtaining dismissal of a lawsuit filed against Wyckoff in New York Supreme Court. The plaintiff in the case, a former registered pharmacist, brought a claim under New York's Health Care Whistleblower Law (N.Y. Labor Law 741) based on allegations that she was discharged from Wyckoff in 2011 after raising complaints about unsafe conditions in the on-site pharmacy.

The Court held that the plaintiff was not a covered employee under New York's Health Care Whistleblower law because pharmacists, like the plaintiff, do not "perform health care services." This is the first decision excluding an entire class of employees from coverage under the Law. The article quotes partner [Barbara E. Hoey](#) on the significance of the ruling, saying that "the ruling would be important for hospitals throughout the city," and that the ruling established that "the people covered by §741 are the people who are providing very direct care." The team was led by Ms. Hoey, Chair of Kelley Drye's Labor and Employment practice, along with associate [Damon Suden](#).