

HB 2069 -- EMPLOYEE PROTECTIONS FOR CERTAIN DISCLOSURES

SPONSOR: Franklin

This bill changes the laws regarding disclosures by employees of facilities involved in the handling of fetal remains from an elective abortion. The bill requires each hospital, ambulatory surgical center, pathology lab, and disposal facility involved in such activities to establish and implement a written policy relating to the protections for employees who in good faith disclose facility mismanagement, fraudulent activity, or violations of applicable federal or state laws or administrative rules concerning abortions or the handling of fetal remains. Such policy must include a time frame for completion of investigations related to complaints, not to exceed 30 days, and a method for notifying the complainant of the disposition of the investigation. The policy must be submitted to the Department of Health and Senior Services to verify implementation and must, at a minimum, include certain provisions as specified in the bill.

All information disclosed, collected, and maintained under these provisions must be accessible to the department at all times and must be reviewed by the department at least annually. Complainants must be notified of the department's access to such information and of the complainants right to notify the department of any information concerning alleged violations of applicable federal or state laws or rules. Prior to any disclosure to individuals or agencies other than the department, employees wishing to make a disclosure under these provisions must first report to the individual designated by the facility. If the compliance officer, compliance committee, or management official discovers credible evidence of misconduct from any source and after reasonable inquiry has reason to believe the misconduct may violate law, the facility must report the existence of misconduct to the appropriate governmental authority no more than seven days after determining there is credible evidence of a violation. Each facility must, within 48 hours of receiving a report, notify the employee that his or her report has been received and is being reviewed.