

HB 721 -- Health Care Whistleblower Protection Act

Sponsor: LeVota

This bill establishes the Health Care Whistleblower Protection Act which prohibits employers from taking retaliatory action against employees who disclose or threaten to disclose alleged prohibited activities, provide information or testify before any public body regarding violations which the employee reasonably believes constitutes improper quality of patient care, or object to or refuse to participate in certain activities. Hospitals and surgical centers are required to:

- (1) Appoint a compliance officer;
- (2) Notify employees of their right to disclose specified information;
- (3) Provide forms to document alleged violations of federal and state laws concerning patient care and safety and facility safety;
- (4) Allow employees reporting violations to do so anonymously;
- (5) Forward complaints to the Department of Health and Senior Services and the Attorney General within two business days;
- (6) Initiate an internal investigation of the complaint; and
- (7) Make all information that has been disclosed, collected, and maintained available to the department at all times and reviewed by the department at least annually.

All complaints must be filed with both the department and the Attorney General. Within two business days of receipt of a complaint, the department must begin an investigation. The department's investigation must be completed within 30 calendar days following receipt of the complaint. Within one business day of the conclusion of the investigation, the department is required to make public the original complaint, records of the investigation, and conclusions. The department must also maintain a log of complaint forms, notify all interested parties of the outcome of the investigation, and forward the investigation record and conclusions to the Attorney General. The bill requires the Attorney General to perform an independent review of the complaint and the factual record of the investigation within 60 calendar days of receiving the materials from the department.

Within one year, an employee may bring a civil action against any

employer violating the provisions of the bill. The court is allowed to issue an injunction to stop the employer's illegal activity; reinstate the employee's position, benefits, and seniority rights; and order payment of lost wages, benefits, reasonable litigation costs, attorney fees, and punitive damages. If an employee brings an action without basis in law or fact, a court may order the employee to pay reasonable attorney fees and court costs. Employers must conspicuously display notices of the employee protections specified in the bill. Employers violating these provisions may be fined an amount not to exceed \$1,000 for a first offense and not more than \$5,000 for a subsequent offense.