



Senate

General Assembly

File No. 328

February Session, 2002

Substitute Senate Bill No. 468

Senate, April 4, 2002

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING WHISTLE BLOWER PROTECTION FOR PATIENTS IN AND EMPLOYEES OF HEALTH CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this
2 section: (1) "Discriminate" and "discriminatory treatment" with regard
3 to an employee of a health care facility includes discharge, demotion,
4 suspension, or any other changes in terms or conditions of
5 employment, or the threat of any such actions; and (2) "health care
6 facility" has the same meaning as in section 19a-630 of the general
7 statutes.

8 (b) No health care facility shall discriminate or retaliate in any
9 manner against an employee of such facility because the employee, or
10 any other person, submitted a complaint or initiated or cooperated in
11 an investigation by or proceeding before a governmental entity
12 relating to the care or services by, or the conditions in, such facility.

13 (c) Any discriminatory treatment by a health care facility of an
 14 employee of such facility who (1) submitted a complaint to a
 15 governmental entity or to the administrator of the facility against such
 16 facility shall create a rebuttable presumption that the discriminatory
 17 treatment was taken by the facility in violation of subsection (b) of this
 18 section if such treatment occurred no later than one hundred twenty
 19 days following such submission of the complaint, or (2) initiated,
 20 participated in or cooperated in an investigation or proceeding by a
 21 governmental entity with regard to such facility shall create a
 22 rebuttable presumption that the discriminatory treatment was taken by
 23 the facility in violation of subsection (b) of this section, if the treatment
 24 occurred no later than one hundred twenty days following the date on
 25 which the facility obtained knowledge of such initiation, participation
 26 or cooperation.

27 (d) A health care facility that violates subsection (b) of this section
 28 shall reinstate the employee and reimburse the employee for lost
 29 wages, lost work benefits, and any legal costs incurred by the
 30 employee in pursuing the employee's rights under this section.

31 (e) The provisions and remedies under this section are not exclusive
 32 and are in addition to any other provisions and remedies in any
 33 section of the general statutes or which are available under common
 34 law.

This act shall take effect as follows:	
Section 1	October 1, 2002

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$	FY 05 \$
GF - Cost	Various ¹	Potential	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits discrimination or retaliation by health care facilities² against patients and employees who submit complaints or cooperate in certain investigations. The bill could result in potential costs to both public and private health care facilities related to preparing defenses against claims based on the protections established in the bill and reimbursing employees for lost wages and legal costs.

Because few cases are anticipated, the cost to the Office of the Attorney General would be minimal and absorbable within normal budgetary resources.

¹ Agencies potentially impacted include, but are not limited to, the University of Connecticut Health Center, and the Departments of Veterans Affairs, Mental Retardation and Mental Health & Addiction Services.

² CGS section 19a-630 defines state health care facility or institution as follows: a hospital or other such facility or institution operated by the state providing services which are eligible for reimbursement under Title XVII or XIX of the federal Social Security Act, 42 USC Section 301 et seq., as amended.

OLR Bill Analysis

sSB 468

AN ACT CONCERNING WHISTLE BLOWER PROTECTION FOR PATIENTS IN AND EMPLOYEES OF HEALTH CARE FACILITIES**SUMMARY:**

This bill provides protections against discriminatory treatment of and retaliation against employees of a health care facility who submit a complaint to, or initiate or cooperate in an investigation by, a government entity relating to conditions, care, or service issues at that facility.

The bill defines “discriminatory treatment” as discharge, demotion, suspension, or any other changes in employment terms or conditions, or the threat of any such actions. A “health care facility” is any facility or institution primarily providing services for the prevention, diagnosis, or treatment of human health conditions.

The bill makes it a rebuttable presumption that the facility engaged in discriminatory treatment against an employee if it took such action within 120 days after (1) the employee’s complaint to a government entity or to the facility administrator or (2) discovering that the employee initiated, participated in, or cooperated in a government investigation of the facility.

The bill requires a health care facility that discriminates or retaliates against an employee to reinstate him and reimburse him for lost wages, lost work benefits, and any legal costs he incurred.

The bill specifies that its provisions and remedies are not exclusive and are in addition to other available ones under common law.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 0