



General Assembly

January Session, 2003

Committee Bill No. 402

LCO No. 4106

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING WHISTLEBLOWER 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, 2003*) (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 detrimental 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, 2003

Statement of Purpose:

To provide protection from discrimination or retaliation to employees of a health care facility who submit a complaint to, or cooperate in an investigation by, a government entity regarding conditions or care at that facility.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. PETERS, 20th Dist.

S.B. 402