

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1130

Short Title: Protect Health Care Whistleblowers.

(Public)

Sponsors: Representatives Boyd-McIntyre; and Wainwright.

Referred to: Human Resources, if favorable, Judiciary II.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT PROHIBITING DISCRIMINATION OR RETALIATION AGAINST
LICENSED HEALTH CARE PROFESSIONALS WHO REPORT, IN GOOD
FAITH, INSTANCES OF IMPROPER QUALITY OF PATIENT CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-241 reads as rewritten:

"§ 95-241. Discrimination prohibited.

(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to do any of the following:

(1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:

- a. Chapter 97 of the General Statutes.
- b. Article 2A or Article 16 of this Chapter.
- c. Article 2A of Chapter 74 of the General Statutes.
- d. G.S. 95-28.1.

(2) Cause any of the activities listed in subdivision (1) of this subsection to be initiated on an employee's behalf.

1 (3) Exercise any right on behalf of the employee or any other employee
2 afforded by Article 2A or Article 16 of this Chapter or by Article 2A of
3 Chapter 74 of the General Statutes.

4 (4) Report, in the case of an employee who is a licensed health care
5 professional, instances of improper quality of patient care.

6 (b) It shall not be a violation of this Article for a person to discharge or take any
7 other unfavorable action with respect to an employee who has engaged in protected
8 activity as set forth under this Article if the person proves by the greater weight of the
9 evidence that it would have taken the same unfavorable action in the absence of the
10 protected activity of the employee.

11 (c) As used in this section, 'improper quality of patient care' means any practice,
12 procedure, action, or failure to act of an employer that is a health care provider which
13 violates any law, rule, regulation, declaratory ruling adopted pursuant to law, or any
14 professional code of ethics."

15 Section 2. This act is effective when it becomes law and applies to complaints
16 filed under G.S. 95-242 on or after that date.