
EMERGENCY REQUEST OF SENATE MINORITY LEADER

SENATE BILL NO. 549—SENATOR TITUS

MAY 24, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Prohibits certain actions from being taken against employee of certain medical facilities for disclosing certain information about facilities. (BDR 40-1767)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to health care; prohibiting certain actions from being taken against employees of certain medical facilities for disclosing certain information about the facilities; providing for a civil action and damages if a person engages in such prohibited actions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 449 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *For the purposes of sections 2, 3 and 4 of this act, “medical*
4 *facility” is limited to a:*
5 1. *Facility for intermediate care;*
6 2. *Facility for skilled nursing;*
7 3. *Independent center for emergency medical care; or*
8 4. *Hospital.*
9 **Sec. 3. 1.** *A person shall not retaliate or discriminate in any*
10 *manner against an employee of a medical facility or a person acting on*
11 *behalf of the employee who in good faith:*
12 (a) *Disclosed information relating to the care or services provided by*
13 *or conditions at a medical facility;*

1 **(b) Advocated on behalf of a patient with respect to the care or**
2 **services provided by or conditions at a medical facility; or**

3 **(c) Initiated, cooperated or otherwise participated in an investigation**
4 **or proceeding conducted by a governmental entity relating to the care or**
5 **services provided by or conditions at a medical facility.**

6 **2. A person shall not retaliate or discriminate in any manner against**
7 **an employee of a medical facility because the employee has attempted to**
8 **or intends to engage in an action described in subsection 1.**

9 **3. A person shall not prohibit, restrict or attempt to prohibit or**
10 **restrict by contract, policy, procedure or any other manner the right of an**
11 **employee of a medical facility to engage in an action described in**
12 **subsection 1.**

13 **4. The identity of an employee of a medical facility who discloses**
14 **information in good faith to a governmental entity regarding the care or**
15 **services provided by or conditions at a medical facility is confidential and**
16 **must not be disclosed by any person unless:**

17 **(a) The disclosing employee consents in writing to the disclosure; or**

18 **(b) There is imminent danger to public health or safety or the threat**
19 **of physical harm.**

20 **5. The provisions of this section and sections 2 and 4 of this act do**
21 **not protect the disclosure of information that would violate federal or**
22 **state law or diminish or impair the rights of a person to the continued**
23 **protection of confidentiality of communications provided by federal or**
24 **state law.**

25 **6. For the purposes of this section, an employee of a medical facility**
26 **acts in "good faith" if he reasonably believes that:**

27 **(a) The information is true; and**

28 **(b) The information disclosed by the employee:**

29 **(1) Evidences a violation of any law, rule, regulation or generally**
30 **recognized professional or clinical standard; or**

31 **(2) Relates to care or services provided by or conditions at a**
32 **medical facility that potentially endanger one or more patients or**
33 **employees or the public.**

34 **Sec. 4. 1. An employee of a medical facility who believes that he**
35 **has been retaliated or discriminated against in violation of section 3 of**
36 **this act may file an action in a court of competent jurisdiction.**

37 **2. If a court determines that a violation of section 3 of this act has**
38 **occurred, the court shall award such damages as it determines to have**
39 **resulted from the violation, including, without limitation, compensatory**
40 **damages, reinstatement, reimbursement of any wages, salary,**
41 **employment benefits or other compensation denied to or lost by the**
42 **employee as a result of the violation.**

- 1 ***3. An action must be brought pursuant to this section not later than 1***
- 2 ***year after the date of the last event constituting the alleged violation for***
- 3 ***which the action is brought.***

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