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PURPOSE

HB 586 outlines state oversight and regulation of acquisitions, mergers and other transactions where there is a change of control of the hospital. It further provides protection for employees who report potential violations.

POLICY

An Entity shall not take any Retaliatory Action against a Whistleblower who:
(1) discloses to the authority, the attorney general, the office or any other state, local or federal governmental body information about an action or a failure to act that the Whistleblower believes in Good Faith constitutes an Unlawful or Improper Act;
(2) provides information to or testifies before a public body as part of an investigation, hearing or inquiry into an Unlawful or Improper Act; or
(3) objects to or refuses to participate in an activity, policy or practice that the Whistleblower believes in Good Faith constitutes an Unlawful or Improper Act.

DEFINITIONS

(1) "**Entity**" means hospitals, management services organizations and health care provider organizations that are owned or affiliated with health insurers;
(2) "**Good Faith**" means that a reasonable basis exists in fact as evidenced by the facts available;
(3) "**Retaliatory Action**" means any discriminatory or adverse action taken by an entity against a whistleblower, including termination, discharge, demotion, suspension, harassment or limitation on access to health care services;
(4) "**Unlawful or Improper Act**" means a practice, procedure, action or failure to act on the part of an entity that violates the Health Care Consolidation Oversight Act or the authority's or attorney general's ability to exercise authority pursuant to that act; and
(5) "**Whistleblower**" means a health care provider, officer, employee, contractor, subcontractor or authorized agent of an entity who reveals information about an unlawful or improper act by the entity.

References
HB 586