

LEGISLATIVE HISTORY CHECKLIST

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"Conscientious Employee Protection--
health benefits"

NJSA: 34:19-2 et al

LAWS OF: 1997 CHAPTER: 98

BILL NO: S878

SPONSOR(S): Singer and others

DATE INTRODUCED: March 7, 1996

COMMITTEE: ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 24, 1997

SENATE: December 16, 1996

DATE OF APPROVAL: May 12, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

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[First Reprint]
SENATE, No. 878

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senators SINGER, CODEY, Matheussen, Ciesla, McNamara, Sinagra, Inverso, Zane, LaRossa, Assemblywoman Vandervalk, Assemblyman Roberts, Assemblywoman Buono, Assemblymen Felice, Blee, LeFevre, Bucco, Dalton, Romano, Assemblywoman Weinberg, Assemblymen Zisa, Bagger, Wisniewski, Assemblywoman Wright, Assemblymen Zecker, Doria, Greenwald, Assemblywoman Quigley, Assemblymen DeCroce, Caraballo, Assemblywomen Crecco and Heck

1 AN ACT providing conscientious employee protections to health care
2 professionals and amending P.L.1986, c.105.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1986, c.105 (C.34:19-2) is amended to read as
8 follows:

9

2. As used in this act:

10

a. "Employer" means any individual, partnership, association,
11 corporation or any person or group of persons acting directly or
12 indirectly on behalf of or in the interest of an employer with the
13 employer's consent and shall include all branches of State Government,
14 or the several counties and municipalities thereof, or any other
15 political subdivision of the State, or a school district, or any special
16 district, or any authority, commission, or board or any other agency or
17 instrumentality thereof.

18

b. "Employee" means any individual who performs services for and
19 under the control and direction of an employer for wages or other
20 remuneration.

21

c. "Public body" means:

22

(1) the United States Congress, and State legislature, or any
23 popularly-elected local governmental body, or any member or
24 employee thereof;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted November 7, 1996.

1 (2) any federal, State, or local judiciary, or any member or
2 employee thereof, or any grand or petit jury;

3 (3) any federal, State, or local regulatory, administrative, or public
4 agency or authority, or instrumentality thereof;

5 (4) any federal, State, or local law enforcement agency,
6 prosecutorial office, or police or peace officer;

7 (5) any federal, State or local department of an executive branch
8 of government; or

9 (6) any division, board, bureau, office, committee or commission
10 of any of the public bodies described in the above paragraphs of this
11 subsection.

12 d. "Supervisor" means any individual with an employer's
13 organization who has the authority to direct and control the work
14 performance of the affected employee, who has authority to take
15 corrective action regarding the violation of the law, rule or regulation
16 of which the employee complains, or who has been designated by the
17 employer on the notice required under section 7 of this act.

18 e. "Retaliatory action" means the discharge, suspension or
19 demotion of an employee, or other adverse employment action taken
20 against an employee in the terms and conditions of employment.

21 f. "Improper quality of patient care" means, with respect to patient
22 care, any practice, procedure, action or failure to act of an employer
23 that is a health care provider which violates any law or any rule,
24 regulation or declaratory ruling adopted pursuant to law, or any
25 professional code of ethics.

26 (cf: P.L.1986, c.105, s.2)

27

28 2. Section 3 of P.L.1986, c.105 (C.34:19-3) is amended to read as
29 follows:

30 3. An employer shall not take any retaliatory action against an
31 employee because the employee does any of the following:

32 a. Discloses, or threatens to disclose to a supervisor or to a public
33 body an activity, policy or practice of the employer or another
34 employer, with whom there is a business relationship, that the
35 employee reasonably believes is in violation of a law, or a rule or
36 regulation promulgated pursuant to law, or, in the case of an employee
37 who is a licensed¹ or certified¹ health care professional, reasonably
38 believes constitutes improper quality of patient care;

39 b. Provides information to, or testifies before, any public body
40 conducting an investigation, hearing or inquiry into any violation of
41 law, or a rule or regulation promulgated pursuant to law by the
42 employer or another employer, with whom there is a business
43 relationship, or, in the case of an employee who is a licensed¹ or
44 certified¹ health care professional, provides information to, or testifies
45 before, any public body conducting an investigation, hearing or inquiry
46 into the quality of patient care; or

1 c. Objects to, or refuses to participate in any activity, policy or
2 practice which the employee reasonably believes:

3 (1) is in violation of a law, or a rule or regulation promulgated
4 pursuant to law or, if the employee is a licensed¹ or certified¹ health
5 care professional, constitutes improper quality of patient care;

6 (2) is fraudulent or criminal; or

7 (3) is incompatible with a clear mandate of public policy
8 concerning the public health, safety or welfare or protection of the
9 environment.

10 (cf: P.L.1989, c.220, s.1)

11

12 3. This act shall take effect immediately.

13

14

15

16

17 Provides protection for health care professionals under the
18 "Conscientious Employee Protection Act."

1 3. This act shall take effect immediately.
2

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4 *SPONSORS' STATEMENT*
5

6 This bill amends the "Conscientious Employee Protection Act" to
7 extend the protections of that act against employer retaliation to any
8 licensed health care professional who takes actions regarding an
9 instance of improper patient care which the professional reasonably
10 believes violates the professional's code of ethics or any law, rule,
11 regulation or declaratory ruling adopted pursuant to law. The bill
12 protects the professional from employer retaliation if the professional
13 discloses such instances to a supervisor or public body or objects to,
14 or refuses to participate in, any activity, policy or practice which
15 violates the code of ethics or any law, rule, regulation or declaratory
16 ruling adopted pursuant to law.

17 The "Conscientious Employee Protection Act" currently protects
18 from employer retaliation any employee who discloses, objects to, or
19 refuses to participate in, actions which the employee reasonably
20 believes to be illegal, fraudulent or incompatible with a clear mandate
21 of public policy. This bill provides that employer retaliation is also
22 prohibited in any case in which a health care professional reasonably
23 believes that an employer has committed an act which constitutes
24 improper quality of patient care.

25 In a growing number of cases, health care professionals are being
26 pressured to accept seriously inadequate staffing levels and delegate
27 their responsibilities to unqualified, non-professional staff. It is of the
28 utmost importance that health care professionals are able to speak out
29 against, and refuse to participate in, these and other practices by their
30 employers which endanger the well-being of patients.
31

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35 Provides protection for health care professionals under the
36 "Conscientious Employee Protection Act."

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 878

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Assembly Health Committee reports favorably Senate Bill No. 878 (1R).

This bill amends the "Conscientious Employee Protection Act" to extend the protections of that act against employer retaliation to any licensed or certified health care professional who takes actions regarding an instance of improper patient care which the professional reasonably believes violates the professional's code of ethics or any law, rule, regulation or declaratory ruling adopted pursuant to law. The bill protects the professional from employer retaliation if the professional discloses such instances to a supervisor or public body or objects to, or refuses to participate in, any activity, policy or practice which violates the code of ethics or any law, rule, regulation or declaratory ruling adopted pursuant to law.

The "Conscientious Employee Protection Act" currently protects from employer retaliation any employee who discloses, objects to, or refuses to participate in, actions which the employee reasonably believes to be illegal, fraudulent or incompatible with a clear mandate of public policy. This bill provides that employer retaliation is also prohibited in any case in which a health care professional reasonably believes that an employer has committed an act which constitutes improper quality of patient care.

In a growing number of cases, health care professionals are being pressured to accept seriously inadequate staffing levels and delegate their responsibilities to unqualified, non-professional staff. It is of the utmost importance that health care professionals are able to speak out against, and refuse to participate in, these and other practices by their employers which endanger the well-being of patients.

As reported by the committee, this bill is identical to Assembly Bill No. 1071 Aca (Vandervalk/Roberts), which the committee also reported on this date.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 878

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Senate Health Committee reports favorably Senate Bill No. 878 with committee amendments.

This bill amends the "Conscientious Employee Protection Act" to extend the protections of that act against employer retaliation to any licensed health care professional who takes actions regarding an instance of improper patient care which the professional reasonably believes violates the professional's code of ethics or any law, rule, regulation or declaratory ruling adopted pursuant to law. The bill protects the professional from employer retaliation if the professional discloses such instances to a supervisor or public body or objects to, or refuses to participate in, any activity, policy or practice which violates the code of ethics or any law, rule, regulation or declaratory ruling adopted pursuant to law.

The "Conscientious Employee Protection Act" currently protects from employer retaliation any employee who discloses, objects to, or refuses to participate in, actions which the employee reasonably believes to be illegal, fraudulent or incompatible with a clear mandate of public policy. This bill provides that employer retaliation is also prohibited in any case in which a health care professional reasonably believes that an employer has committed an act which constitutes improper quality of patient care.

In a growing number of cases, health care professionals are being pressured to accept seriously inadequate staffing levels and delegate their responsibilities to unqualified, non-professional staff. It is of the utmost importance that health care professionals are able to speak out against, and refuse to participate in, these and other practices by their employers which endanger the well-being of patients.