

P.L. 1997, CHAPTER 98, *approved May 12, 1997*

Senate, No. 878 (*First Reprint*)

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

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

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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;

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

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

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

31 (5) any federal, State or local department of an executive branch

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 of government; or

2 (6) any division, board, bureau, office, committee or commission
3 of any of the public bodies described in the above paragraphs of this
4 subsection.

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

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

14 f. "Improper quality of patient care" means, with respect to patient
15 care, any practice, procedure, action or failure to act of an employer
16 that is a health care provider which violates any law or any rule,
17 regulation or declaratory ruling adopted pursuant to law, or any
18 professional code of ethics.

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

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

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

25 a. Discloses, or threatens to disclose to a supervisor or to a public
26 body an activity, policy or practice of the employer or another
27 employer, with whom there is a business relationship, that the
28 employee reasonably believes is in violation of a law, or a rule or
29 regulation promulgated pursuant to law, or, in the case of an employee
30 who is a licensed¹ or certified¹ health care professional, reasonably
31 believes constitutes improper quality of patient care;

32 b. Provides information to, or testifies before, any public body
33 conducting an investigation, hearing or inquiry into any violation of
34 law, or a rule or regulation promulgated pursuant to law by the
35 employer or another employer, with whom there is a business
36 relationship, or, in the case of an employee who is a licensed¹ or
37 certified¹ health care professional, provides information to, or testifies
38 before, any public body conducting an investigation, hearing or inquiry
39 into the quality of patient care; or

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

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

45 (2) is fraudulent or criminal; or

46 (3) is incompatible with a clear mandate of public policy

1 concerning the public health, safety or welfare or protection of the
2 environment.

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

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5 3. This act shall take effect immediately.

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10 Provides protection for health care professionals under the
11 "Conscientious Employee Protection Act."