

1 AN ACT concerning health care.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Healthcare Worker Whistleblower Protection Act.

6 Section 5. Definitions. As used in this Act, the
7 following terms shall have the following meanings:

8 "Employee" means a person who performs health care
9 services for and under the control and direction of any
10 public or private employer that provides health care services
11 for wages or other remuneration.

12 "Employer" means a partnership, association, corporation,
13 the State, or any political subdivision of the State that (i)
14 provides health care services in a facility licensed pursuant
15 to State law; (ii) provides health care services within a
16 primary or secondary public or private school or public or
17 private university setting; or (iii) operates and provides
18 health care services under the correction law.

19 "Agent" means an individual, partnership, association,
20 corporation, or group of persons acting on behalf of an
21 employer.

22 "Improper quality of patient care" means, with respect to
23 patient care, any practice, procedure, action, or failure to
24 act of an employer that violates any law, rule, regulation,
25 or declaratory ruling adopted pursuant to law, where such
26 violation relates to matters that may present a substantial
27 danger to public health or safety or a significant threat to
28 the health of a specific patient.

29 "Public body" means an elected body or public regulatory
30 body.

31 "Retaliatory action" means the discharge, suspension,

1 demotion, penalization, or discrimination against an employee
2 or other adverse employment action taken against an employee
3 in the terms and conditions of employment.

4 "Supervisor" means a person within an employer's
5 organization who has the authority to direct and control the
6 work performance of an employee or who has the authority to
7 take corrective action regarding the violation of a law,
8 rule, or regulation to which an employee submits a complaint.

9 Section 15. Retaliatory action prohibited.
10 Notwithstanding any other provision of law, no employer shall
11 take retaliatory action against any employee because the
12 employee does any of the following:

13 (1) Discloses or threatens to disclose to a
14 supervisor, a collective bargaining agent, a private
15 accreditation body, or a public body an activity, policy,
16 or practice of the employer or agent that the employee,
17 in good faith, reasonably believes constitutes improper
18 quality of patient care.

19 (2) Objects to or refuses to participate in any
20 activity, policy, or practice of the employer or agent
21 that the employee, in good faith, reasonably believes
22 constitutes improper quality of patient care.

23 Section 20. Violation; remedy.

24 (a) An employee who has been the subject of a
25 retaliatory personnel action in violation of this Act may
26 institute a civil action in a court of competent jurisdiction
27 for relief. The Attorney General of the State of Illinois may
28 also bring civil action against an employer for retaliatory
29 personnel actions in violation of this Act and may also order
30 reinstatement of an employee pending the court's ruling.

31 (b) An action authorized by this Section may be brought
32 in the county in which the alleged retaliatory personnel

1 action occurred, in the county in which the complainant
2 resides, or in the county in which the employer has its
3 principal place of business.

4 (c) Notwithstanding the provisions of paragraph (a) of
5 this Section, a health care employee who has been the subject
6 of a retaliatory action by a health care employer in
7 violation of this Act and the Attorney General of the State
8 of Illinois may institute a civil action in a court of
9 competent jurisdiction for relief within 2 years after the
10 alleged retaliatory personnel action was taken. In addition
11 to the relief set forth in Section 25, the court, in its
12 discretion, based upon a finding that the employer acted in
13 bad faith in the retaliatory action, may assess the employer
14 a civil penalty based on the severity of the retaliation.

15 Section 25. Relief. In any action brought pursuant to
16 Section 20, the court may order any of the following types of
17 relief:

18 (a) An injunction to restrain continued violation of
19 this Act.

20 (b) Reinstatement of the employee to the same position
21 held before the retaliatory personnel action or to an
22 equivalent position.

23 (c) Reinstatement of full fringe benefits and seniority
24 rights.

25 (d) Compensation for lost wages, benefits, and other
26 remuneration.

27 (e) Payment by the employer of reasonable costs,
28 disbursements, and attorney's fees.

29 (f) A civil penalty of \$20,000 per violation.

30 Section 30. Existing rights. Nothing in this Act shall be
31 deemed to diminish the rights, privileges, or remedies of any
32 employee under any other law or regulation or under any

1 collective bargaining agreement or employment contract,
2 except that the institution of an action in accordance with
3 this Act shall be deemed a waiver of the rights and remedies
4 available under any other contract, collective bargaining
5 agreement, law, rule, or regulation or under the common law.