

ASSEMBLY, No. 4156

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 14, 2020

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Protects health care professionals from retaliatory action by employers and permits health care professionals to refuse to perform certain services onsite at certain times during ongoing coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2020)

1 **AN ACT** concerning protections for health care professionals from
 2 retaliatory action by employers during ongoing coronavirus
 3 disease 2019 pandemic and supplementing P.L.1986, c.105
 4 (C.34:19-1 et seq.) and Title 45 of the Revised Statutes.

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

8
 9 1. a. In addition to any other rights provided to employees by
 10 P.L.1986, c.105 (C.34:19-1 et seq.), during the pendency of
 11 Executive Order 103 of 2020, or any subsequent executive order,
 12 issued in response to the coronavirus disease 2019 pandemic, an
 13 employer shall not take any retaliatory action against a health care
 14 professional because the health care professional does any of the
 15 following:

16 (1) Discloses, or threatens to disclose to a supervisor or to a
 17 public body an activity, policy or practice of the employer, or another
 18 employer, with whom there is a business relationship, that the health
 19 care professional reasonably believes is in violation of a law, or a
 20 rule or regulation promulgated pursuant to law, or Executive Order,
 21 including conditions that violate health and safety standards,
 22 insufficient measures to alleviate exposures to communicable disease
 23 or other health or safety hazards, or improper quality of patient
 24 care;

25 (2) Provides information to, or testifies before, any public body
 26 conducting an investigation, hearing or inquiry into any violation of
 27 law, or a rule or regulation promulgated pursuant to law, or Executive
 28 Order, by the employer, or another employer, with whom there is a
 29 business relationship, including conditions that violate health and
 30 safety standards, insufficient measures to alleviate exposures to
 31 communicable disease or other health or safety hazards, or improper
 32 quality of patient care; or

33 (3) Objects to, or refuses to participate in any activity, policy or
 34 practice which the health care professional reasonably believes:

35 (a) is in violation of a law, or a rule or regulation promulgated
 36 pursuant to law, or Executive Order, including conditions that violate
 37 health and safety standards, insufficient measures to alleviate
 38 exposures to communicable disease or other health or safety hazards,
 39 or improper quality of patient care; or

40 (b) is incompatible with a clear mandate of public policy
 41 concerning the public health, safety or welfare or protection of the
 42 environment.

43 b. As used in this section, "health care professional" means an
 44 individual who, acting within the scope of the individual's licensure
 45 or certification, provides health care services, and includes, but is not
 46 limited to, a physician, dentist, nurse, pharmacist, or other health care
 47 professional whose professional practice is regulated pursuant to
 48 Title 45 of the Revised Statutes.

1 Additionally, the bill provides that, during the pendency of
2 Executive Order 103 of 2020, or any subsequent executive order,
3 issued in response to the coronavirus disease 2019 pandemic, an
4 employer is prohibited from taking any retaliatory action against a
5 health care professional who objects to, or refuses to participate in
6 any activity, policy or practice which the health care professional
7 reasonably believes:

8 (1) is in violation of a law, or a rule or regulation promulgated
9 pursuant to law, or Executive Order, including conditions that violate
10 health and safety standards, insufficient measures to alleviate
11 exposures to communicable disease or other health or safety hazards,
12 or improper quality of patient care; or

13 (2) is incompatible with a clear mandate of public policy
14 concerning the public health, safety or welfare or protection of the
15 environment.

16 Additionally, the bill provides that during the pendency of
17 Executive Order 103 of 2020, or any subsequent executive order,
18 issued in response to the coronavirus disease 2019 pandemic, it will
19 not be deemed unlawful or contrary to law or regulations for a health
20 care professional who performs functions which involve physical
21 proximity to members of the public and are essential to the public's
22 health, safety, and welfare to refuse to work onsite under conditions
23 that violate health and safety standards or otherwise jeopardize the
24 health of the health care professional or members of the health care
25 professional's family, because the employer has not taken sufficient
26 measures to alleviate exposures to communicable disease or other
27 health or safety hazards, including but not limited to, if personal
28 protection equipment is unavailable, or the health care professional
29 is requested to provide a service for which the health care
30 professional has no training or experience in performing.

31 Under the bill, "health care professional" means an individual
32 who, acting within the scope of the individual's licensure or
33 certification, provides health care services, and includes, but is not
34 limited to, a physician, dentist, nurse, pharmacist, or other health care
35 professional whose professional practice is regulated pursuant to
36 Title 45 of the Revised Statutes.