

ASSEMBLY, No. 4169

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 28, 2020

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Timberlake

SYNOPSIS

Protects health care professionals from retaliatory action by employers during ongoing coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

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.).

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

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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 2. This act shall take effect immediately, and shall be retroactive
2 to March 9, 2020.

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STATEMENT

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7 This bill provides whistleblower protections to health care
8 professionals during the pendency of Executive Order 103 of 2020,
9 or any subsequent Executive Order, issued in response to the
10 coronavirus disease 2019 pandemic.

11 Specifically, the bill provides that, during the pendency of
12 Executive Order 103 of 2020, or any subsequent Executive Order,
13 issued in response to the coronavirus disease 2019 pandemic, an
14 employer is prohibited from taking any retaliatory action against a
15 health care professional who speaks out against an employer's
16 business practice that the health care professional reasonably
17 believes is in violation of a law, or a rule or regulation promulgated
18 pursuant to law, or Executive Order, including conditions that violate
19 health and safety standards, insufficient measures to alleviate
20 exposures to communicable disease or other health or safety hazards,
21 or improper quality of patient care.

22 Additionally, the bill provides that, during the pendency of
23 Executive Order 103 of 2020, or any subsequent executive order,
24 issued in response to the coronavirus disease 2019 pandemic, an
25 employer is prohibited from taking any retaliatory action against a
26 health care professional who objects to, or refuses to participate in
27 any activity, policy or practice which the health care professional
28 reasonably believes:

29 (1) is in violation of a law, or a rule or regulation promulgated
30 pursuant to law, or Executive Order, including conditions that violate
31 health and safety standards, insufficient measures to alleviate
32 exposures to communicable disease or other health or safety hazards,
33 or improper quality of patient care; or

34 (2) is incompatible with a clear mandate of public policy
35 concerning the public health, safety or welfare or protection of the
36 environment.