

REFERENCE TITLE: nonretaliation policies; health care institutions

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2622

Introduced by
Representatives Shah: Biasiucci, Bowers, Carroll, Cobb, Hernandez M,
Kavanagh, Lieberman, Longdon, Nguyen, Nutt, Osborne, Roberts, Stahl
Hamilton, Teller, Toma, Weninger, Wilmeth

AN ACT

AMENDING SECTION 36-450.02, ARIZONA REVISED STATUTES; RELATING TO HEALTH
CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-450.02, Arizona Revised Statutes, is amended
3 to read:

4 36-450.02. Nonretaliatory policy; definition

5 A. Each health care institution **THAT IS** licensed pursuant to this
6 chapter shall adopt a policy that prohibits retaliatory action against a
7 health professional who in good faith:

8 1. Makes a report to the health care institution pursuant to the
9 requirements of section 36-450.01.

10 2. Having provided the health care institution a reasonable
11 opportunity to address the report, provides information to a private
12 health care accreditation organization or governmental entity concerning
13 the activity, policy or practice that was the subject of the report.

14 **B. A THIRD-PARTY CONTRACTOR OF A HEALTH CARE INSTITUTION MAY NOT**
15 **TAKE RETALIATORY ACTION AS PROSCRIBED IN THIS SECTION.**

16 ~~B.~~ C. This section does not prohibit a health care institution
17 **THAT IS** licensed pursuant to this chapter from taking action against a
18 health professional for a purpose **THAT IS** not related to a report filed
19 pursuant to section 36-450.01.

20 ~~C.~~ D. Except as provided in section 23-1501, subsection A,
21 paragraph 3, subdivisions (a) and (c), this section shall ~~only~~
22 **ONLY** through the provisions of this chapter.

23 ~~D.~~ E. There ~~shall be~~ **IS** a rebuttable presumption that any
24 termination or other adverse action that occurs more than one ~~hundred~~
25 ~~eighty days~~ **YEAR** after the date of a report made pursuant to either
26 subsection A, paragraph 1 or 2 of this section is not a retaliatory
27 action.

28 **F. FOR THE PURPOSES OF THIS SECTION, "THIRD-PARTY CONTRACTOR" MEANS**
29 **AN ENTITY THAT CONTRACTS WITH A HEALTH CARE INSTITUTION TO PROVIDE HEALTH**
30 **CARE SERVICES IN THE HEALTH CARE INSTITUTION BY CONTRACTING OR HIRING**
31 **HEALTH PROFESSIONALS.**