



Colorado *Legislative Council Staff*

**REVISED NO FISCAL IMPACT**

(replaces fiscal impact dated April 13, 2005)

**Drafting Number:** LLS 05-0838**Date:** April 27, 2005**Prime Sponsor(s):** Sen. Hagedorn**Bill Status:** Senate Appropriations

Rep. Carroll M.

**Fiscal Analyst:** Steve Tammus (303-866-2756)

**TITLE:** CONCERNING PROTECTION FOR HEALTH CARE WORKERS ALLEGING VIOLATION OF STANDARDS OF HEALTH CARE PRACTICE.

**Summary of Assessment**

This bill, as amended by the Senate Health and Human Services Committee, establishes the Health Care Worker Protection Act to allow a health care worker to report a violation of standards of health care practice to a health care provider, and to file a complaint with the Department of Public Health and Environment or the appropriate licensing or disciplinary board in the event the provider does not correct the violation. The bill specifies procedures whereby the Department or applicable board shall:

- notify the provider of the complaint;
- review the provider's remedy of the violation;
- take disciplinary action in the event the remedy is deemed unsatisfactory;
- provide information to the Attorney General if there is evidence of a criminal violation; and
- provide information to the State Auditor regarding a facility under investigation.

The bill specifies conditions whereby the health care worker, when acting in good faith, shall be immune from criminal liability and from any suit in a civil action for disclosing the violation. The bill also prohibits a provider from taking disciplinary action against a health care worker in retaliation for filing the complaint. The bill allows a health care worker who claims to be aggrieved by such disciplinary action to seek restitution through civil action including pain and suffering, litigation costs, lost wages, and attorney fees. Any such civil action shall be deemed a waiver of rights and remedies under any other related contracts, agreements, or laws. The bill will become effective upon signature of the Governor.

The Judicial Branch, the Department of Public Health and Environment, the Office of the Attorney General, and the Department of Regulatory Agencies anticipate to be able to support the provisions of this bill within existing budgetary resources. The bill is assessed as having no fiscal impact.

**Departments Contacted**

Labor and Employment  
Regulatory Agencies

Public Health and Environment  
State Auditor

Law  
Judicial