

# MEMORANDUM

**Date:** May 3, 2011

**To:** All House Members

**From:** Representative Tony DeLuca

**Subject:** Co-sponsorship of Legislation: *Protection of Patients and Medical Personnel from Health Care Facility Retaliation Act*

In the near future, I will be introducing new legislation entitled the Protection of Patients and Medical Personnel from Health Care Facility Retaliation Act. The bill serves the dual purposes of helping to improve the Commonwealth's health care system while simultaneously protecting individuals who file complaints that highlight areas for system improvement.

My legislation will prohibit a health care facility from discriminating or retaliating against health care providers, staff at medical facilities or any citizen who submits a grievance or complaint to the facility or agency responsible for evaluating or accrediting the facility. The prohibition also applies to individuals who initiate, participate, or cooperate in an administrative proceeding relating to quality of care, services or conditions at the facility. Where the facility does discriminate or retaliate, the legislation provides civil and criminal penalties, including assessment of a fine and restitution for lost wages, work benefits, and the legal cost of having to pursue the claim of retaliation or discrimination. In addition, the bill balances the needs of the health care facility by protecting legitimate peer review activities.

Based upon existing California law, this legislation will permit individuals in the health care system – as either patients or providers – to speak freely about system weaknesses, as well as areas needing improvement.

If you would like to co-sponsor this important bill, please contact Linda Dolfi at 783-1011 or via e-mail at [ldolfi@pahouse.net](mailto:ldolfi@pahouse.net).