

House Engrossed

nonretaliation policies; health care institutions

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

CHAPTER 89
HOUSE BILL 2622

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~~ be enforced
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~~ SIX MONTHS 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.

APPROVED BY THE GOVERNOR MARCH 23, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2021.