

Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article - State Personnel and Pensions~~

~~Section 5-301~~

~~Annotated Code of Maryland~~

~~(1997 Replacement Volume and 2001 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health Occupations

SUBTITLE 4. HEALTH CARE WORKER WHISTLEBLOWER PROTECTION ACT.

1-401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD" MEANS ANY BOARD ESTABLISHED UNDER THIS ARTICLE.

(C) (1) "EMPLOYEE" MEANS ANY INDIVIDUAL LICENSED OR CERTIFIED BY A BOARD UNDER THIS ARTICLE WHO PERFORMS SERVICES FOR AND UNDER THE CONTROL AND DIRECTION OF AN EMPLOYER FOR WAGES OR OTHER REMUNERATION.

(2) "EMPLOYEE" DOES NOT INCLUDE A STATE EMPLOYEE.

~~(D) "RETALIATORY PERSONNEL ACTION" MEANS THE DISCHARGE, SUSPENSION, OR DEMOTION OF AN EMPLOYEE, OR AN ACTION AFFECTING COMPENSATION, APPOINTMENT, PROMOTION, TRANSFER, ASSIGNMENT, REASSIGNMENT, REINSTATEMENT, OR EVALUATION OF PERFORMANCE OF AN EMPLOYEE.~~

(E) (D) "SUPERVISOR" MEANS ANY INDIVIDUAL WITHIN AN EMPLOYER'S ORGANIZATION WHO HAS THE AUTHORITY TO DIRECT AND CONTROL THE WORK PERFORMANCE OF AN EMPLOYEE, OR WHO HAS MANAGERIAL AUTHORITY TO TAKE CORRECTIVE ACTION REGARDING THE VIOLATION OF A LAW, RULE, OR REGULATION OF WHICH THE EMPLOYEE COMPLAINS.

1-402.

SUBJECT TO § 1-403 OF THIS SUBTITLE, AN EMPLOYER MAY NOT RETALIATE OR DISCRIMINATE IN ANY MANNER TAKE OR REFUSE TO TAKE ANY PERSONNEL ACTION AS REPRISAL AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE:

(1) DISCLOSES OR THREATENS TO DISCLOSE TO A SUPERVISOR OR BOARD AN ACTIVITY, POLICY, OR PRACTICE OF THE EMPLOYER THAT IS IN VIOLATION OF A LAW, RULE, OR REGULATION;