

~~(C) THE DEPARTMENT MAY NOT AWARD A PERSON WHO KNOWINGLY PARTICIPATED IN THE VIOLATION ON WHICH THE ACTION WAS BASED.~~

~~(D) A PERSON IS NOT CIVILLY LIABLE FOR:~~

~~(1) MAKING A REPORT IN GOOD FAITH OF A MISTAKEN CLAIM AND FRAUD, WASTE, OR ABUSE; OR~~

~~(2) PARTICIPATING IN ANY INVESTIGATION RELATED TO A MISTAKEN CLAIM AND FRAUD, WASTE, OR ABUSE.~~

~~(E) (B) (1) THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE AS DEFINED IN § 1-501(C) OF THE HEALTH OCCUPATIONS ARTICLE OR A STATE EMPLOYEE.~~

(2) A PROVIDER MAY NOT TAKE A RETALIATORY ACTION AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE:

(I) DISCLOSES OR THREATENS TO DISCLOSE TO A SUPERVISOR OR TO A PUBLIC BODY AN ACTIVITY, POLICY, OR PRACTICE OF THE PROVIDER THAT THE EMPLOYEE REASONABLY BELIEVES IS IN VIOLATION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE;

(II) PROVIDES INFORMATION TO, OR TESTIFIES BEFORE, A PUBLIC BODY CONDUCTING AN INVESTIGATION, HEARING, OR INQUIRY INTO A SUSPECTED VIOLATION BY THE PROVIDER UNDER THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE; OR

(III) OBJECTS TO OR REFUSES TO PARTICIPATE IN ANY ACTIVITY, POLICY, OR PRACTICE THAT THE EMPLOYEE REASONABLY BELIEVES IS IN VIOLATION OF THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE.

~~(2) (3) IF THE PROVIDER TAKES A RETALIATORY ACTION AGAINST THE EMPLOYEE, AN EMPLOYEE, OTHER THAN A STATE EMPLOYEE, MAY FILE A CIVIL ACTION AGAINST AN EMPLOYER, OTHER THAN A SUPERVISOR IN STATE GOVERNMENT, AN APPOINTING AUTHORITY IN STATE GOVERNMENT, OR THE HEAD OF A PRINCIPAL UNIT IN STATE GOVERNMENT.~~

~~(3) THE CAUSE OF ACTION AND REMEDIES AVAILABLE AGAINST AN EMPLOYER THAT RETALIATES SHALL BE AS ARE AVAILABLE TO INDIVIDUALS UNDER TITLE 1, SUBTITLE 5 OF THE HEALTH OCCUPATIONS ARTICLE.~~

(4) A STATE EMPLOYEE WHO IS SUBJECT TO A RETALIATORY ACTION:

~~(I) MAY FILE A COMPLAINT UNDER TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; BUT~~

~~(II) MAY NOT FILE A CIVIL ACTION UNDER THIS SUBSECTION ANY EMPLOYEE WHO IS SUBJECT TO AN ACTION IN VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION MAY INSTITUTE A CIVIL ACTION IN THE COUNTY WHERE:~~

(I) THE ALLEGED VIOLATION OCCURRED;