

BILL ANALYSIS

Senate Research Center
76R10727 CMR-D

H.B. 1237
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Human Services
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Engrossed

DIGEST

Currently, Texas law provides protection against retaliation for employees and residents who initiate or cooperate with any investigation of nursing home operators and other employees of these facilities. However, the statute does not specifically extend this protection to contract employees, volunteers, and other nonemployees. This bill would provide protection against retaliation for nonemployees who file a grievance or complaint, cooperate in an investigation, or report a violation of law involving the care, services, or conditions of a nursing home facility.

PURPOSE

As proposed, H.B. 1237 prohibits suits for retaliation against volunteers and employees of nursing homes who take certain actions.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 242.133, Health and Safety Code, as follows:

Sec. 242.133. New heading: RETALIATION AGAINST EMPLOYEES PROHIBITED. Defines "employee." Provides that an employee, rather than a person, has a cause of action against another employee that retaliates against the employee for reporting any violation of law, including a violation of this chapter or a rule adopted under this chapter. Entitles a person whose employment is terminated or suspended to appropriate injunctive relief, including reinstatement of lost fringe benefits or seniority rights. Deletes text regarding a report or complaint under this chapter. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 242.1335, Health and Safety Code, as follows:

Sec. 242.1335. New heading: RETALIATION AGAINST VOLUNTEERS AND RESIDENTS. Prohibits an institution from retaliating against a volunteer who reports a violation of law or initiates or cooperates in an investigation or proceeding of a governmental entity relating to care, services, or conditions at the institution, rather than in accordance with this chapter. Entitles a volunteer who is retaliated against in violation of Subsection (a) to sue for the greater of \$1,000 or actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown. Makes conforming changes.

SECTION 3. Amends Section 242.042, Health and Safety Code, by amending Subsection (a) and adding Subsection (d), to require each institution to display a notice that employees, other staff, and residents are protected from discrimination or retaliation as provided by Sections 242.133 and 242.1335. Requires such notice to be posted in English and a second language as required by Texas Department of Human Services rule.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.