
By: **Delegates Valderrama, Petzold, and Vallario**
Introduced and read first time: March 5, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Termination of Employees - Prohibition**

3 FOR the purpose of prohibiting a hospital from terminating the employment of an
4 employee of the hospital without good cause; authorizing a certain employee to
5 appeal a certain termination decision to the Secretary of Health and Mental
6 Hygiene; requiring a certain employee, before appealing a certain termination
7 decision, to exhaust any grievance procedure within a certain hospital;
8 authorizing a certain employee to appeal a certain termination decision to the
9 Secretary if the hospital does not render a certain final decision within a certain
10 period of time; requiring the Secretary promptly to render a certain final
11 decision; providing for the binding effect of a certain final decision of the
12 Secretary; requiring the Secretary to impose a certain fine on a hospital that
13 terminates the employment of an employee without good cause; requiring the
14 Secretary to adopt certain regulations; defining a certain term; and generally
15 relating to a certain prohibition against the termination of hospital employees.

16 BY adding to
17 Article - Health - General
18 Section 19-360.1
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

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

23 **Article - Health - General**

24 19-360.1.

25 (A) IN THIS SECTION, "EMPLOYEE" MEANS ANY CONTRACTUAL OR
26 NONCONTRACTUAL MEMBER OF THE STAFF OF A HOSPITAL.

27 (B) A HOSPITAL MAY NOT TERMINATE THE EMPLOYMENT OF AN EMPLOYEE
28 OF THE HOSPITAL WITHOUT GOOD CAUSE.

1 (C) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN EMPLOYEE WHO
2 BELIEVES THAT A HOSPITAL HAS TERMINATED THE EMPLOYMENT OF THE
3 EMPLOYEE WITHOUT GOOD CAUSE MAY APPEAL THE DECISION OF THE HOSPITAL TO
4 THE SECRETARY.

5 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE
6 APPEALING A DECISION OF A HOSPITAL TO THE SECRETARY UNDER SUBSECTION (B)
7 OF THIS SECTION, AN EMPLOYEE SHALL EXHAUST ANY GRIEVANCE PROCEDURE
8 WITHIN THE HOSPITAL THAT TERMINATES THE EMPLOYMENT OF THE EMPLOYEE.

9 (2) IF, IN ACCORDANCE WITH ITS GRIEVANCE PROCEDURE, A HOSPITAL
10 DOES NOT RENDER A FINAL DECISION UNDER PARAGRAPH (1) OF THIS SUBSECTION
11 WITHIN 30 DAYS AFTER THE EMPLOYEE SUBMITS THE GRIEVANCE TO THE
12 HOSPITAL, THE EMPLOYEE MAY APPEAL TO THE SECRETARY UNDER SUBSECTION (B)
13 OF THIS SECTION.

14 (E) THE SECRETARY SHALL PROMPTLY RENDER A FINAL DECISION
15 CONCERNING ANY APPEAL TO THE SECRETARY UNDER SUBSECTION (B) OF THIS
16 SECTION.

17 (F) A FINAL DECISION OF THE SECRETARY UNDER SUBSECTION (D) OF THIS
18 SECTION IS BINDING ON BOTH THE EMPLOYEE AND THE HOSPITAL THAT
19 TERMINATED THE EMPLOYMENT OF THE EMPLOYEE.

20 (G) IF, ON APPEAL TO THE SECRETARY UNDER SUBSECTION (B) OF THIS
21 SECTION, THE SECRETARY FINDS THAT A HOSPITAL HAS TERMINATED THE
22 EMPLOYMENT OF AN EMPLOYEE OF THE HOSPITAL WITHOUT GOOD CAUSE, THE
23 SECRETARY SHALL IMPOSE A FINE ON THE HOSPITAL NOT TO EXCEED \$10,000.

24 (H) THE SECRETARY SHALL ADOPT ANY REGULATION NECESSARY TO CARRY
25 OUT THIS SECTION, INCLUDING A REGULATION THAT CONTAINS A STANDARD FOR
26 DETERMINING GOOD CAUSE FOR PURPOSES OF THE PROHIBITION SPECIFIED IN
27 SUBSECTION (A) OF THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1999.