Summary
The purpose of this Act is to encourage the exposure of negligent health care providers. This Act limits liability for certain information and safeguards the confidentiality of individuals who come forward to disclose medical providers who practice negligent care. ALEC’s Whistle Blower Immunity Act holds that no person who files a complaint or testifies as a witness concerning unprofessional conduct by a person licensed to practice medicine, or concerning the inability of such licensee to practice medicine, would be held liable in any cause of action arising out of the filing of such complaint or testimony.

Model Legislation

Section 1. This Act shall be known and may be cited as the Whistle Blower Immunity Act.

Section 2. {Immunity for Disclosure of Information.}
No person who files a complaint with the department of (insert appropriate department) or who testifies as a witness at any hearing before any hearing panels or committees concerning unprofessional conduct by a person licensed to practice medicine in this state, or concerning the inability to such licensee to practice medicine, shall be held liable in any cause of action arising out of the filing of such complaint, the providing of such information or the giving of such testimony, provided that such person does so in good faith and without malice.

Adopted by the Civil Justice Task Force and approved by the ALEC Board of Directors in 2002.

This bill provides that a person who exposes negligent doctors or health care providers will be protected from liability, as long as they acted in good faith. This bill could potentially be introduced at the same time as medical malpractice liability reform, with the argument being that medical malpractice tort liability is not necessary to govern healthcare practices, as whistleblowers can expose negligence.