

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 309

*An Act to amend the Code of Virginia by adding sections numbered 32.1-125.4 and 32.1-125.5, relating to retaliation against complainants.*

[H 1814]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding sections numbered 32.1-125.4 and 32.1-125.5 as follows:**

*§ 32.1-125.4. Retaliation or discrimination against complainants.*

*No hospital may retaliate or discriminate in any manner against any person who (i) in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government having responsibility for protecting the rights of patients of hospitals, or (ii) attempts to assert any right protected by state or federal law.*

*§ 32.1-125.5. Confidentiality of complainant's identity.*

*Whenever the Department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any patient who is the subject of the complaint, or identified therein, shall be treated as confidential and shall not be open to inspection by members of the public. Nothing contained herein shall prevent the Department, in its discretion, from disclosing to the hospital the nature of the complaint or the identity of the patient who is the subject of the complaint. Nothing contained herein shall prevent the Department or its employees from making reports under § 63.2-1509 or Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2. If the Department intends to rely, in whole or in part, on any statements made by the complainant, at any administrative hearing brought against the hospital, the Department shall disclose the identity of the complainant to the hospital in a reasonable time in advance of such hearing.*