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State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



EDMUND G. BROWN JR.  
Governor

January 23, 2018

AFL 18-11

**TO:** General Acute Care Hospitals  
Acute Psychiatric Hospitals  
Special Hospitals  
Hospice Facilities

**SUBJECT:** Assembly Bill (AB) 1102: Increase in fines for retaliation against whistleblowers  
(This AFL supersedes AFL 17-28)

**AUTHORITY:** Health and Safety Code (HSC) section 1278.5

**All Facilities Letter (AFL) Summary**

- This AFL supersedes AFL 17-28, and clarifies HSC section 1278.5 does not apply to long-term health care facilities (LTCH).
- This AFL notifies health facilities of the chaptering of AB 1102 that increases the penalty for discrimination or retaliation for filing a complaint or participating in an investigation from \$20,000 to \$75,000.

Effective January 1, 2018, AB 1102 (Chapter 275, Statutes 2017) increases the misdemeanor fine from a maximum of \$20,000 to a maximum of \$75,000, if a health facility discriminates or retaliates against a patient, employee, member of the medical staff, or any other health care worker of the health facility for presenting a complaint against the facility or cooperating in an investigation of a facility. HSC section 1278.5 does not apply to LTCHs. LTCHs remain subject to HSC section 1432.

The California Department Public Health's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the HSC and the California Code of Regulations to ensure compliance.

If you have questions, please contact your local Licensing and Certification district office.

Sincerely,

**Original signed by Scott Vivona for**

Jean Iacino  
Deputy Director



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