

AN ACT

relating to workplace violence prevention in certain health facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Health and Safety Code, is amended by adding Subtitle H to read as follows:

SUBTITLE H. HEALTH FACILITY EMPLOYEES

CHAPTER 331. WORKPLACE VIOLENCE PREVENTION

Sec. 331.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Committee" means the workplace violence prevention committee or other committee responsible for developing a facility's workplace violence prevention plan under Section 331.002.

(3) "Facility" means:

(A) a home and community support services agency licensed or licensed and certified under Chapter 142 to provide home health services as defined by Section 142.001 that employs at least two registered nurses;

(B) a hospital licensed under Chapter 241 and a hospital maintained or operated by an agency of this state that is exempt from licensing under that chapter;

(C) a nursing facility licensed under Chapter 242

1 that employs at least two registered nurses;

2 (D) an ambulatory surgical center licensed under  
3 Chapter 243;

4 (E) a freestanding emergency medical care  
5 facility as defined by Section 254.001; and

6 (F) a mental hospital licensed under Chapter 577.

7 Sec. 331.002. WORKPLACE VIOLENCE PREVENTION COMMITTEE. (a)  
8 Each facility shall establish a workplace violence prevention  
9 committee or authorize an existing facility committee to develop  
10 the workplace violence prevention plan required under Section  
11 331.004.

12 (b) A committee must include at least:

13 (1) one registered nurse who provides direct care to  
14 patients of the facility;

15 (2) except as provided by Subsection (c), one  
16 physician licensed to practice medicine in this state who provides  
17 direct care to patients of the facility; and

18 (3) one facility employee who provides security  
19 services for the facility if any and if practicable.

20 (c) If a facility described by Section 331.001(3)(A) does  
21 not have on staff at least one physician described by Subsection  
22 (b)(2), the facility is not required to include a physician on the  
23 committee.

24 (d) A health care system that owns or operates more than one  
25 facility may establish a single committee for all of the system's  
26 facilities if:

27 (1) the committee develops a violence prevention plan

1 for implementation at each facility in the system; and

2 (2) data related to violence prevention remains  
3 distinctly identifiable for each facility in the system.

4 Sec. 331.003. WORKPLACE VIOLENCE PREVENTION POLICY. (a) A  
5 facility shall adopt, implement, and enforce a written workplace  
6 violence prevention policy in accordance with this section to  
7 protect health care providers and employees from violent behavior  
8 and threats of violent behavior occurring at the facility.

9 (b) The workplace violence prevention policy must:

10 (1) require the facility to:

11 (A) provide significant consideration of the  
12 violence prevention plan recommended by the facility's committee;  
13 and

14 (B) evaluate any existing facility violence  
15 prevention plan;

16 (2) encourage health care providers and employees of  
17 the facility to provide confidential information on workplace  
18 violence to the committee;

19 (3) include a process to protect from retaliation  
20 facility health care providers or employees who provide information  
21 to the committee; and

22 (4) comply with commission rules relating to workplace  
23 violence.

24 Sec. 331.004. WORKPLACE VIOLENCE PREVENTION PLAN. (a) A  
25 facility shall adopt, implement, and enforce a written workplace  
26 violence prevention plan in accordance with this section to protect  
27 health care providers and employees from violent behavior and

1 threats of violent behavior occurring at the facility.

2 (b) A facility's workplace violence prevention plan must:

3 (1) be based on the practice setting;

4 (2) adopt a definition of "workplace violence" that  
5 includes:

6 (A) an act or threat of physical force against a  
7 health care provider or employee that results in, or is likely to  
8 result in, physical injury or psychological trauma; and

9 (B) an incident involving the use of a firearm or  
10 other dangerous weapon, regardless of whether a health care  
11 provider or employee is injured by the weapon;

12 (3) require the facility to provide at least annually  
13 workplace violence prevention training or education that may be  
14 included in other required training or education provided to the  
15 facility's health care providers and employees who provide direct  
16 patient care;

17 (4) prescribe a system for responding to and  
18 investigating violent incidents or potentially violent incidents  
19 at the facility;

20 (5) address physical security and safety;

21 (6) require the facility to solicit information from  
22 health care providers and employees when developing and  
23 implementing a workplace violence prevention plan;

24 (7) allow health care providers and employees to  
25 report incidents of workplace violence through the facility's  
26 existing occurrence reporting systems; and

27 (8) require the facility to adjust patient care

1 assignments, to the extent practicable, to prevent a health care  
2 provider or employee of the facility from treating or providing  
3 services to a patient who has intentionally physically abused or  
4 threatened the provider or employee.

5 (c) The written workplace violence prevention plan may  
6 satisfy the requirements of Subsection (b) by referencing other  
7 internal facility policies and documents.

8 (d) A committee at least annually shall:

9 (1) review and evaluate the workplace violence  
10 prevention plan; and

11 (2) report the results of the evaluation to the  
12 governing body of the facility.

13 (e) Each facility shall make available on request an  
14 electronic or printed copy of the facility's workplace violence  
15 prevention plan to each health care provider or employee of the  
16 facility. If the committee determines the plan contains information  
17 that would pose a security threat if made public, the committee may  
18 redact that information before providing the plan.

19 Sec. 331.005. RESPONDING TO INCIDENT OF WORKPLACE VIOLENCE.

20 (a) Following an incident of workplace violence, a facility shall  
21 at a minimum offer immediate post-incident services, including any  
22 necessary acute medical treatment for each health care provider or  
23 employee of the facility who is directly involved in the incident.

24 (b) A facility may not discourage a health care provider or  
25 employee from exercising the provider's or employee's right to  
26 contact or file a report with law enforcement regarding an incident  
27 of workplace violence.

1        (c) A person may not discipline, including by suspension or  
2 termination of employment, discriminate against, or retaliate  
3 against another person who:

4            (1) in good faith reports an incident of workplace  
5 violence; or

6            (2) advises a health care provider or employee of the  
7 provider's or employee's right to report an incident of workplace  
8 violence.

9        Sec. 331.006. ENFORCEMENT. An appropriate licensing agency  
10 may take disciplinary action against a person who violates this  
11 chapter as if the person violated an applicable licensing law.

12        SECTION 2. Not later than September 1, 2024, a facility  
13 subject to Chapter 331, Health and Safety Code, as added by this  
14 Act, shall adopt a workplace violence prevention policy and adopt  
15 and implement a workplace violence prevention plan in accordance  
16 with Sections 331.003 and 331.004, Health and Safety Code, as added  
17 by this Act.

18        SECTION 3. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 240 passed the Senate on March 27, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 2, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 240 passed the House, with amendment, on April 18, 2023, by the following vote: Yeas 122, Nays 26, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor