

By: Howard

H.B. No. 2695

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of physical assaults against certain direct care personnel.

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

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 258A to read as follows:

CHAPTER 258A. REPORTING ASSAULTS AGAINST DIRECT CARE PERSONNEL

Sec. 258A.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Direct care personnel" means individuals who:

(A) provide health care services to patients in a health care facility; or

(B) provide home health, hospice, or personal assistance as an employee of or under contract with a home and community support agency.

(3) "Health care facility" means a facility that provides health care services to patients and includes:

(A) a facility licensed under this subtitle, including a hospital or nursing home;

(B) a private mental hospital licensed under Chapter 577; or

(C) a hospital that is maintained or operated by the state.

1 (4) "Home and community support agency" means an
2 agency licensed under Chapter 142.

3 (5) "Physical assault" means conduct constituting an
4 offense under Section 22.01, Penal Code.

5 Sec. 258A.002. POLICY. (a) Each health care facility or
6 home and community support agency shall adopt and implement a
7 policy under which direct care personnel report to the facility or
8 agency any incidents of physical assault.

9 (b) A policy adopted under this section must require the
10 reporting of:

11 (1) the job title of the direct care personnel
12 assaulted;

13 (2) the type of assault;

14 (3) the extent of the injury to the direct care
15 personnel;

16 (4) the location where the assault occurred, including
17 any specific department or area of a health care facility; and

18 (5) whether the person who engaged in the physical
19 assault was a patient, client, or resident, a family member, or
20 another staff member.

21 Sec. 258A.003. REPORTING. (a) Each health care facility or
22 home and community support agency shall annually report
23 de-identified aggregate data to the department on the incidents of
24 physical assault against direct care personnel that were reported
25 to the facility or agency by direct care personnel.

26 (b) The report to the department may not contain any
27 information that could personally identify the person who engaged

1 in the physical assault, a victim of the assault, or a facility at
2 which an assault occurred.

3 (c) The department may coordinate the reporting under this
4 section with other required reports made to the department under
5 other law.

6 (d) De-identified aggregate data reported under this
7 section is public information subject to Chapter 552, Government
8 Code.

9 Sec. 258A.004. HEALTH PROFESSIONS RESOURCE CENTER. (a) The
10 department, after reviewing the data reported to the department
11 under this chapter to ensure that personal identifying information
12 is not included, shall make the data available to the health
13 professions resource center established under Chapter 105.

14 (b) The health professions resource center shall prepare an
15 annual report based on the data supplied by the department under
16 this section.

17 SECTION 2. (a) A facility or agency subject to Section
18 258A.002, Health and Safety Code, as added by this Act, shall adopt
19 the policy required by that section not later than January 1, 2016.

20 (b) A facility or agency required to make a report under
21 Section 258A.003, Health and Safety Code, as added by this Act, is
22 not required to make an annual report to the Department of State
23 Health Services before March 1, 2017. The Department of State
24 Health Services shall set the date of the initial report for not
25 later than March 1, 2018, and may set the date of the initial report
26 to coordinate with other reports as provided by Section
27 258A.003(c), Health and Safety Code, as added by this Act.

1 (c) The health professions resource center is not required
2 to prepare the initial annual report under Section 258A.004(b),
3 Health and Safety Code, as added by this Act, before the 120th day
4 after the date the center receives access to the relevant data.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.