

By: Dutton

H.B. No. 4110

A BILL TO BE ENTITLED

AN ACT

relating to implementation of a workplace violence prevention plan in certain hospitals; providing an administrative penalty.

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

SECTION 1. Chapter 311, Health and Safety Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. WORKPLACE VIOLENCE PREVENTION PLAN

Sec. 311.101. DEFINITIONS. In this subchapter:

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

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Hospital" means:

(A) a general hospital or special hospital licensed under Chapter 241 or exempt from licensure under Section 241.004(3); or

(B) a private mental hospital licensed under Chapter 577.

Sec. 311.102. WORKPLACE VIOLENCE PREVENTION PLAN. (a) The executive commissioner by rule shall establish policies and procedures to require each hospital to develop and implement a workplace violence prevention plan to protect health care providers and hospital employees from violent behavior occurring at the hospital.

1 (b) In establishing the policies and procedures required
2 under Subsection (a), the executive commissioner shall:

3 (1) adopt a definition of "workplace violence" that
4 must include:

5 (A) an act of physical force by a hospital
6 patient or a person accompanying the patient against a health care
7 provider or hospital employee that results in, or is likely to
8 result in, physical injury, psychological trauma, or stress,
9 regardless of whether the health care provider or hospital employee
10 sustains an actual injury; and

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

14 (2) prescribe minimum standards for a hospital
15 workplace violence prevention plan that must:

16 (A) require that a hospital's health care
17 providers, permanent employees, and, if applicable, temporary
18 employees, who provide direct patient care receive the training
19 described by Subsection (c)(1) at least annually;

20 (B) prescribe a system for responding to and
21 investigating violent incidents or potentially violent incidents
22 at a hospital;

23 (C) address factors that may increase or decrease
24 incidents of workplace violence at a hospital, including:

25 (i) the hospital's staffing plans and
26 patient classification systems;

27 (ii) the hospital's security or emergency

1 response system, including the alarm system, an alert system, and
2 the availability of security personnel;

3 (iii) security risks associated with public
4 access to specific areas of the hospital and the area surrounding
5 the hospital; and

6 (iv) security concerns associated with
7 particular types of hospital employment, equipment, and
8 facilities; and

9 (D) require a hospital to solicit input from
10 health care providers, hospital employees, and, if applicable, the
11 provider's and employee's collective bargaining agents, when
12 developing and implementing a workplace violence prevention plan;
13 and

14 (3) establish criteria to ensure that a workplace
15 violence prevention plan developed by a hospital is suitable given
16 the hospital's needs and resources.

17 (c) The department shall:

18 (1) develop a workplace violence prevention training
19 program designed to educate health care providers and hospital
20 employees about the following topics:

21 (A) recognizing the potential for violence;

22 (B) appropriately responding to violent
23 incidents;

24 (C) seeking assistance to prevent or to respond
25 to a violent incident;

26 (D) reporting violent incidents to appropriate
27 law enforcement authorities; and

1 (E) identifying the resources that are available
2 to health care providers and hospital employees subjected to a
3 violent incident, including critical incident stress debriefing
4 and other employee assistance programs; and

5 (2) require each hospital to electronically submit the
6 hospital's workplace violence prevention plan to the department
7 each year for review to ensure the plan remains effective and
8 appropriate for that hospital.

9 Sec. 311.103. ADOPTION AND IMPLEMENTATION OF PLAN BY
10 HOSPITAL. The governing body of a hospital shall:

11 (1) adopt and implement a workplace violence
12 prevention plan that meets the minimum standards prescribed by
13 Section 311.102;

14 (2) electronically submit the plan to the department
15 each year for review by the department; and

16 (3) if applicable, make changes requested by the
17 department in response to the department's review of the plan.

18 Sec. 311.104. DEPARTMENT REVIEW. (a) The department shall
19 review each hospital's workplace violence prevention plan
20 submitted once a year under Section 311.103 to ensure the plan
21 remains effective and appropriate for that hospital.

22 (b) The department may require that a hospital amend a
23 provision of the hospital's workplace violence prevention plan if
24 the department determines that the plan does not meet the minimum
25 requirements prescribed by Section 311.102 or is no longer
26 effective and appropriate for that hospital.

27 Sec. 311.105. POSTING REQUIREMENT. (a) The governing body

1 of a hospital shall require notice to be posted in a conspicuous
2 place in each unit or area of the hospital for view by the staff that
3 summarizes the hospital's workplace violence prevention plan.

4 (b) The executive commissioner by rule shall prescribe the
5 form of the notice required by this section.

6 Sec. 311.106. RECORDS OF VIOLENT INCIDENTS; REPORTING
7 REQUIREMENT. (a) A hospital shall:

8 (1) retain, for a period of at least five years, a
9 written record of each incident of workplace violence that occurs
10 in or near the hospital and that is reported to the governing body
11 of the hospital, regardless of whether a health care provider or
12 hospital employee sustains an actual injury resulting from the
13 violent incident; and

14 (2) report an incident described by Subdivision (1) to
15 the department:

16 (A) within 24 hours, if the incident involves the
17 use of a firearm or other dangerous weapon or presents an urgent
18 threat to the health, safety, or welfare of hospital personnel; or

19 (B) within 72 hours, for all other incidents.

20 (b) Not later than January 31 of each year, the department
21 shall prepare a summary report relating to incidents of workplace
22 violence at hospitals and post that report on the department's
23 Internet website. The department shall ensure that the report does
24 not contain personally identifiable information of any individual.
25 The summary report must include:

26 (1) the total number of reports of incidents of
27 workplace violence at hospitals the department received under

1 Subsection (a)(2) during the preceding year;

2 (2) the identity of each hospital that submitted a
3 report described by Subdivision (1);

4 (3) a description of the outcome of any inspection or
5 investigation related to a report described by Subdivision (1);

6 (4) whether the department identified any violations
7 of law or department rules during the inspection or investigation
8 or imposed a sanction as a result of the inspection or violation;
9 and

10 (5) any recommendations the department may have to
11 prevent future incidents of workplace violence at hospitals.

12 Sec. 311.107. ADMINISTRATIVE PENALTY. The commissioner of
13 state health services may assess an administrative penalty as
14 provided by Section 241.059 against a hospital, including a private
15 mental hospital licensed under Chapter 577, that violates this
16 subchapter.

17 Sec. 311.108. ASSISTANCE OF TEXAS WORKFORCE COMMISSION.
18 The department may request the assistance of the Texas Workforce
19 Commission in performing a duty under this subchapter. The
20 commission shall provide the requested assistance.

21 Sec. 311.109. RULES. The executive commissioner shall
22 adopt rules necessary to implement this subchapter.

23 SECTION 2. (a) Not later than December 1, 2015, the
24 executive commissioner of the Health and Human Services Commission
25 shall adopt rules and minimum standards for a hospital workplace
26 violence prevention plan as required by Subchapter G, Chapter 311,
27 Health and Safety Code, as added by this Act.

1 (b) Not later than March 1, 2016, a hospital shall adopt and
2 implement a workplace violence prevention plan developed by the
3 hospital in accordance with the rules and minimum standards adopted
4 by the executive commissioner of the Health and Human Services
5 Commission and submit the plan to the Department of State Health
6 Services for review as required by Section 311.103, Health and
7 Safety Code, as added by this Act.

8 (c) In each year after 2016, a hospital shall submit the
9 hospital's workplace violence prevention plan to the Department of
10 State Health Services for review, as required by Section 311.103,
11 Health and Safety Code, as added by this Act, on January 1. If the
12 department notifies a hospital that the hospital's plan must be
13 amended, the hospital must submit the amended plan to the
14 department not later than May 1.

15 SECTION 3. This Act takes effect September 1, 2015.