

By: Howard, Thompson of Harris, Klick,
Zerwas

H.B. No. 1146

Substitute the following for H.B. No. 1146:

By: Thompson of Harris

C.S.H.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

relating to workplace violence prevention in certain health care 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. EMPLOYEES OF HEALTH CARE FACILITIES

CHAPTER 331. WORKPLACE VIOLENCE PREVENTION

Sec. 331.0001. 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 and implementing a facility's workplace violence prevention plan under Section 331.0002.

(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, and that employs at least two registered nurses;

(B) a health care provider that:

(i) is certified by the commission to provide services through the home and community-based services or Texas home living Medicaid waiver programs; and

1 (ii) employs at least two registered
2 nurses;

3 (C) a hospital licensed under Chapter 241,
4 including a hospital maintained or operated by this state;

5 (D) a nursing facility licensed under Chapter 242
6 that employs at least two registered nurses;

7 (E) an ambulatory surgical center licensed under
8 Chapter 243;

9 (F) a freestanding emergency medical care
10 facility as defined by Section 254.001; and

11 (G) a mental hospital licensed under Chapter 577.

12 Sec. 331.0002. WORKPLACE VIOLENCE PREVENTION COMMITTEE.

13 (a) Each facility shall establish a workplace violence prevention
14 committee or authorize an existing committee to develop and
15 implement the workplace violence prevention plan required under
16 Section 331.0004.

17 (b) A committee must include at least:

18 (1) one registered nurse who provides direct care to
19 patients of the facility; and

20 (2) one employee of the facility who provides security
21 services for the facility if the facility employs security
22 personnel and if practicable.

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

26 (1) the committee develops a violence prevention plan
27 for implementation at each facility in the system; and

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

3 Sec. 331.0003. WORKPLACE VIOLENCE PREVENTION POLICY. (a)
4 A facility shall adopt, implement, and enforce a written workplace
5 violence prevention policy in accordance with this section to
6 protect health care providers and employees from violent behavior
7 and threats of violent behavior occurring at the facility.

8 (b) The workplace violence prevention policy adopted under
9 Subsection (a) 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 the facility's existing plan;

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

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

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

23 Sec. 331.0004. WORKPLACE VIOLENCE PREVENTION PLAN. (a)
24 The committee of a facility or health care system, as applicable,
25 shall adopt, implement, and enforce a written workplace violence
26 prevention plan in accordance with this section to protect health
27 care providers and employees from violent behavior and threats of

1 violent behavior occurring at the facility or each facility of the
2 health care system.

3 (b) A facility's workplace violence prevention plan adopted
4 under Subsection (a) must:

5 (1) be based on the practice setting;

6 (2) adopt a definition of "workplace violence" that
7 includes:

8 (A) an act or threat of physical force against a
9 health care provider or employee that results in, or is likely to
10 result in, physical injury or psychological trauma; 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 employee is injured by the weapon;

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

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

22 (5) address physical security and safety;

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

26 (7) require health care providers and employees to
27 report incidents of workplace violence through the facility's

1 existing occurrence reporting systems; and

2 (8) require the facility to include processes to
3 adjust patient care assignments, to the extent practicable, to
4 prevent a health care provider or employee of the facility from
5 being required to treat or provide services to a patient who has
6 intentionally physically abused or threatened the provider or
7 employee.

8 (c) The written workplace violence prevention plan adopted
9 under Subsection (a) may satisfy the requirements of Subsection (b)
10 by referencing other internal facility policies and documents.

11 (d) A committee at least annually shall:

12 (1) review and evaluate the workplace violence
13 prevention plan adopted by the committee under this section; and

14 (2) report the results of the evaluation described by
15 Subdivision (1) to the governing body of the facility or health care
16 system as applicable.

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

23 Sec. 331.0005. RESPONDING TO INCIDENT OF WORKPLACE
24 VIOLENCE. (a) Following an incident of workplace violence, a
25 facility shall at a minimum offer immediate post-incident services,
26 including any necessary acute medical treatment for each health
27 care provider or employee of the facility who is directly involved

1 in the incident.

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

6 (c) A person may not discipline, including the suspension or
7 termination of employment, discriminate against, or retaliate
8 against another person who:

9 (1) in good faith reports an incident of workplace
10 violence; or

11 (2) advises a health care provider or employee of the
12 provider's or employee's right to report an incident of workplace
13 violence.

14 Sec. 331.0006. ENFORCEMENT. An appropriate licensing
15 agency may take disciplinary action against a person who violates
16 this chapter.

17 SECTION 2. Not later than September 1, 2020, a facility
18 subject to Chapter 331, Health and Safety Code, as added by this
19 Act, shall adopt and implement a workplace violence prevention plan
20 in accordance with Section 331.0004, Health and Safety Code, as
21 added by this Act.

22 SECTION 3. This Act takes effect September 1, 2019.