

By: Howard

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 safety committee responsible for developing and implementing a facility's workplace violence prevention plan under Section 331.0002.

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

(4) "Facility" means:

(A) a home and community support services agency licensed under Chapter 142;

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

(C) a nursing facility licensed under Chapter 242;

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

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

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

6                    Sec. 331.0002. WORKPLACE VIOLENCE PREVENTION COMMITTEE.

7 (a) Each facility shall establish a workplace violence prevention  
8 committee or authorize an existing safety committee to develop and  
9 implement the workplace violence prevention plan required under  
10 Section 331.0004.

11                    (b) A committee must include at least one registered nurse  
12 who provides direct care to patients of the facility and, if  
13 practicable, one employee of the facility who provides security  
14 services for the facility.

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

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

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

22                    Sec. 331.0003. WORKPLACE VIOLENCE PREVENTION POLICY. (a)

23 A facility shall adopt, implement, and enforce a written workplace  
24 violence prevention policy in accordance with this section to  
25 protect health care providers and employees from violent behavior  
26 and threats of violent behavior occurring at the facility.

27                    (b) The workplace violence prevention policy adopted under

1 Subsection (a) must:

2 (1) require the facility to:

3 (A) provide significant consideration of the  
4 violence prevention plan recommended by the facility's committee;  
5 and

6 (B) evaluate the facility's existing plan;

7 (2) encourage health care providers and employees of  
8 the facility to provide confidential information on workplace  
9 violence to the facility's committee;

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

13 (4) comply with commission rules relating to workplace  
14 violence.

15 Sec. 331.0004. WORKPLACE VIOLENCE PREVENTION PLAN. (a)  
16 The committee of a facility or health care system, as applicable,  
17 shall adopt, implement, and enforce a written workplace violence  
18 prevention plan in accordance with this section to protect health  
19 care providers and employees from violent behavior and threats of  
20 violent behavior occurring at the facility or each facility of the  
21 health care system.

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

24 (1) be based on:

25 (A) the needs of each area, department, and shift  
26 of the facility; and

27 (B) evidence-based practices relating to

1 violence prevention;

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

4 (A) an act or threat of physical force against a  
5 health care provider or employee that results in, or is likely to  
6 result in, physical injury, psychological trauma, or stress,  
7 regardless of whether the provider or employee sustains an actual  
8 injury; 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 that a facility's health care providers,  
13 permanent employees, and, if applicable, temporary employees who  
14 provide direct patient care at least annually receive workplace  
15 violence prevention training;

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

19 (5) address factors that may increase or decrease  
20 incidents of workplace violence at the facility, including:

21 (A) the facility's staffing plans and patient  
22 classification schemes;

23 (B) the facility's security or emergency  
24 response system, including the alarm system, an alert system, and  
25 the availability of security personnel;

26 (C) security risks associated with public access  
27 to specific areas of the facility and the area surrounding the

1 facility; and

2 (D) security concerns associated with particular  
3 types of employment, equipment, and facilities;

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

7 (7) require health care providers and employees to  
8 report incidents of workplace violence through the facility's  
9 existing occurrence reporting systems; and

10 (8) require the facility to include processes in the  
11 facility's staffing plan for adjustment of patient care  
12 assignments, to the extent practicable, to ensure that a health  
13 care provider or employee of the facility is not required to treat  
14 or provide services to a patient who has intentionally physically  
15 abused or threatened the provider or employee.

16 (c) A committee at least annually shall:

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

19 (2) report the results of the evaluation described by  
20 Subdivision (1) to the governing body of the facility or health care  
21 system as applicable.

22 (d) Each facility shall make available on request a copy of  
23 the facility's workplace violence prevention plan to each health  
24 care provider or employee of the facility unless the committee  
25 determines the plan contains information that would pose a security  
26 threat if made public. The committee may redact that information  
27 before providing the plan.

1       Sec. 331.0005. RESPONDING TO INCIDENT OF WORKPLACE  
2 VIOLENCE. (a) Following an incident of workplace violence, a  
3 facility shall offer immediate post-incident services, including  
4 acute treatment and access to psychological evaluation and support,  
5 for each health care provider or employee of the facility who is  
6 directly involved in the incident.

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

11       (c) A person may not discipline, including the suspension or  
12 termination of employment, discriminate against, or retaliate  
13 against another person who:

14               (1) in good faith reports an incident of workplace  
15 violence; or

16               (2) advises a health care provider or employee of the  
17 provider's or employee's right to report an incident of workplace  
18 violence.

19       Sec. 331.0006. WORKPLACE VIOLENCE REPORT TO COMMISSION.

20       (a) A facility shall annually file a written report with the  
21 commission on:

22               (1) whether the facility has established a committee  
23 in accordance with Section 331.0002 or is part of a health care  
24 system in which a committee was established;

25               (2) whether the facility has adopted a workplace  
26 violence prevention plan required by Section 331.0004; and

27               (3) whether the facility's committee has evaluated the

1 facility's workplace violence prevention plan and reported the  
2 results to the facility.

3 (b) Information reported under Subsection (a) is public  
4 information under Chapter 552, Government Code.

5 (c) To the extent possible, the commission shall collect the  
6 data required under Subsection (a) as part of any survey or  
7 submission of information required by other law.

8 Sec. 331.0007. ENFORCEMENT. An appropriate licensing  
9 agency may take disciplinary action against a person who violates  
10 this chapter.

11 SECTION 2. Not later than September 1, 2020, a facility  
12 subject to Chapter 331, Health and Safety Code, as added by this  
13 Act, shall adopt and implement a workplace violence prevention plan  
14 in accordance with Section 331.0004, Health and Safety Code, as  
15 added by this Act.

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