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et al.

H.B. No. 326

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. 331.001. 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, and 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; and

15 (2) one facility employee who provides security  
16 services for the facility if any and if practicable.

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

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

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

24 Sec. 331.003. WORKPLACE VIOLENCE PREVENTION POLICY. (a) A

25 facility shall adopt, implement, and enforce a written workplace  
26 violence prevention policy in accordance with this section to  
27 protect health care providers and employees from violent behavior

1 and threats of violent behavior occurring at the facility.

2 (b) The workplace violence prevention policy must:

3 (1) require the facility to:

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

7 (B) evaluate any existing facility violence  
8 prevention plan;

9 (2) encourage health care providers and employees of  
10 the facility to provide confidential information on workplace  
11 violence to the committee;

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

15 (4) comply with commission rules relating to workplace  
16 violence.

17 Sec. 331.004. WORKPLACE VIOLENCE PREVENTION PLAN. (a) A  
18 facility shall adopt, implement, and enforce a written workplace  
19 violence prevention plan in accordance with this section to protect  
20 health care providers and employees from violent behavior and  
21 threats of violent behavior occurring at the facility.

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

23 (1) be based on the practice setting;

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

26 (A) an act or threat of physical force against a  
27 health care provider or employee that results in, or is likely to

1 result in, physical injury or psychological trauma; and

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

5 (3) require the facility to provide at least annually  
6 workplace violence prevention training or education that may be  
7 included in other required training or education provided to the  
8 facility's health care providers and employees, including  
9 temporary employees, who provide direct patient care;

10 (4) prescribe a system for responding to and  
11 investigating violent incidents or potentially violent incidents  
12 at the facility;

13 (5) address physical security and safety;

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

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

20 (8) require the facility to adjust patient care  
21 assignments, to the extent practicable, to prevent a health care  
22 provider or employee of the facility from treating or providing  
23 services to a patient who has intentionally physically abused or  
24 threatened the provider or employee.

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

1 (d) A committee at least annually shall:

2 (1) review and evaluate the workplace violence  
3 prevention plan; and

4 (2) report the results of the evaluation to the  
5 governing body of the facility.

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

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

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

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

21 (c) A person may not discipline, including by suspension or  
22 termination of employment, discriminate against, or retaliate  
23 against another person who:

24 (1) in good faith reports an incident of workplace  
25 violence; or

26 (2) advises a health care provider or employee of the  
27 provider's or employee's right to report an incident of workplace

1 violence.

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

5 SECTION 2. Not later than September 1, 2022, a facility  
6 subject to Chapter 331, Health and Safety Code, as added by this  
7 Act, shall adopt a workplace violence prevention policy and adopt  
8 and implement a workplace violence prevention plan in accordance  
9 with Sections 331.003 and 331.004, Health and Safety Code, as added  
10 by this Act.

11 SECTION 3. This Act takes effect September 1, 2021.