

BILL ANALYSIS

Senate Research Center

S.B. 240
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Health & Human Services
5/25/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 240 is designed to address workplace violence against healthcare workers. Healthcare workers face violence in the workplace at abnormally high levels, with nurses alone facing workplace violence at nearly four times the rate of their peers in other industries. A recent shooting at Methodist Dallas Medical Center took the lives of two hospital employees and highlights the need for legislative action.

The toll of workplace violence on the healthcare workforce is immense. Violent episodes interrupt patient care, create new injuries that must be treated, and cause lasting physical and psychological impacts on those affected.

Surveys of the healthcare workforce increasingly cite workplace violence as a cause for early retirement or changes in employment setting. This means that in addition to harming the quality of patient care and those providing the care, workplace violence harms the state's efforts to ensure an adequate healthcare workforce that can meet the medical needs of its citizens.

Currently, Texas law does not establish uniform requirements for workplace violence prevention.

This bill changes existing law by requiring healthcare facilities to establish a workplace violence prevention committee, which must develop policies and a plan of action for how to prevent and respond to incidents of workplace violence. The bill further requires facilities to respond to incidents of workplace violence by providing post-incident services, including acute medical treatment if necessary, and protects the employee's right to report the incident internally and to law enforcement without retaliation. The bill tasks the appropriate licensing agency with enforcing its legal standards against those who violate its requirements.

The provisions of this bill are responsive to research conducted by the Texas Center for Nursing Workforce Studies on workplace violence in healthcare, which the Texas Legislature tasked the agency with conducting in the 84th Regular Session. By passing this legislation, the Texas Legislature will complete the work it began years ago to protect Texans working in the healthcare industry.

S.B. 240 amends current law relating to workplace violence prevention in certain health facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Health and Safety Code, by adding Subtitle H, as follows:

SUBTITLE H. HEALTH FACILITY EMPLOYEES

CHAPTER 331. WORKPLACE VIOLENCE PREVENTION

Sec. 331.001. DEFINITIONS. Defines "commission," "committee," and "facility."

Sec. 331.002. WORKPLACE VIOLENCE PREVENTION COMMITTEE. (a) Requires each facility to establish a workplace violence prevention committee (committee) or to authorize an existing facility committee to develop the workplace violence prevention plan required under Section 331.004.

(b) Requires a committee to include certain members.

(c) Provides that a facility described by Section 331.001(3)(A) (relating to providing that "facility" includes a home and community support services agency licensed to provide home health services that employs at least two registered nurses), if the facility does not have on staff at least one physician described by Subsection (b)(2) (relating to requiring a committee to have one licensed physician to practice medicine in this state who provides direct care to patients of the facility), the facility is not required to include a physician on the committee.

(d) Authorizes a health care system that owns or operates more than one facility to establish a single committee for all of the system's facilities if:

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

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

Sec. 331.003. WORKPLACE VIOLENCE PREVENTION POLICY. (a) Requires a facility to adopt, implement, and enforce a written workplace violence prevention policy in accordance with this section to protect health care providers and employees from violent behavior and threats of violent behavior occurring at the facility.

(b) Requires that the workplace violence prevention policy:

(1) require the facility to:

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

(B) evaluate any existing facility violence prevention plan;

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

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

(4) comply with Health and Human Services Commission rules relating to workplace violence.

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

(b) Requires that a facility's workplace violence prevention plan:

(1) be based on the practice setting;

(2) adopt a definition of "workplace violence" that includes certain criteria;

(3) require the facility to provide at least annually workplace violence prevention training or education that is authorized to be included in other required training or education provided to the facility's health care providers and employees who provide direct patient care;

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

(5) address physical security and safety;

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

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

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

(c) Authorizes the written workplace violence prevention plan to satisfy the requirements of Subsection (b) by referencing other internal facility policies and documents.

(d) Requires a committee at least annually to:

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

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

(e) Requires each facility to make available on request an electronic or printed copy of the facility's workplace violence prevention plan to each health care provider or employee of the facility. Authorizes the committee, if the committee determines the plan contains information that would pose a security threat if made public, to redact that information before providing that plan.

Sec. 331.005. RESPONDING TO INCIDENT OF WORKPLACE VIOLENCE. (a) Requires a facility, following an incident of workplace violence, at a minimum, to offer immediate post-incident services, including any necessary acute medical treatment for each health care provider or employee of the facility who is directly involved in the incident.

(b) Prohibits a facility from discouraging a health care provider or employee from exercising the provider's or employee's right to contact or file a report with law enforcement regarding an incident of workplace violence.

(c) Prohibits a person from disciplining, including by suspension or termination of employment, discriminating against, or retaliating against another person who:

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

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

Sec. 331.006. ENFORCEMENT. Authorizes an appropriate licensing agency to take disciplinary action against a person who violates this chapter as if the person violated an applicable licensing law.

SECTION 2. Requires a facility subject to Chapter 331, Health and Safety Code, as added by this Act, not later than September 1, 2024, to adopt a workplace violence prevention policy and adopt and implement a workplace violence prevention plan in accordance with Sections 331.003. and 331.004, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2023.