

BILL ANALYSIS

S.B. 240
By: Campbell
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A Press Ganey report found that more than two nurses were assaulted in the United States every hour in the second quarter of 2022, equating to roughly 57 assaults per day. These assaults can range from verbal abuse to physical harm, and they can come from patients, patient families, and even coworkers.

According to the 2022 Texas Workplace Violence Against Nurses Employer Survey conducted by the Department of State Health Services, approximately 90 percent of hospitals that responded had implemented a workplace violence prevention policy. However, while there are some health care facilities with strong policies in place to address workplace violence incidents, the general landscape is a patchwork of solutions. SB 240 seeks to address workplace violence against health care workers by establishing requirements for certain health care facilities relating to the adoption, implementation, and enforcement of policies and plans for protection against workplace violence.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SB 240 amends the Health and Safety Code to require each of the following health care facilities to adopt, implement, and enforce a written workplace violence prevention policy and a written workplace violence prevention plan to protect health care providers and employees from violent behavior and threats of violent behavior occurring at the facility:

- a home and community support services agency that is licensed or licensed and certified to provide home health services and that employs at least two registered nurses;
- a licensed hospital and a hospital maintained or operated by a state agency exempted from licensing;
- a licensed nursing facility that employs at least two registered nurses;
- a licensed ambulatory surgical center;
- a freestanding emergency medical care facility; and
- a licensed mental hospital.

Each facility must establish a workplace violence prevention committee or authorize an existing facility committee to develop the workplace violence prevention plan. The bill requires the committee to include at least one registered nurse who provides direct care to patients of the facility and one facility employee who provides security services for the facility if any and if practicable. The bill 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 the committee develops a violence prevention plan for

implementation at each facility and if data related to violence prevention remains distinctly identifiable for each facility.

SB 240 requires a facility's workplace violence prevention policy to do the following:

- require the facility to provide significant consideration of the plan recommended by the facility's committee and evaluate any existing facility violence prevention plan;
- encourage health care providers and employees of the facility to provide confidential information on workplace violence to the committee;
- include a process to protect facility health care providers or employees who provide information to the committee from retaliation; and
- comply with Health and Human Services Commission rules relating to workplace violence.

The bill requires a facility to adopt the policy not later than September 1, 2024.

SB 240 requires a facility's workforce violence prevention plan to be based on the practice setting and to do the following:

- adopt a definition of "workplace violence" that includes an incident involving the use of a firearm or other dangerous weapon, regardless of whether a health care provider or employee is injured by the weapon, and an act or threat of physical force against a health care provider or employee that results in, or is likely to result in, physical injury or psychological trauma;
- require the facility to provide at least annually workplace violence prevention training or education that may be included in other required training or education provided to the facility's health care providers and employees who provide direct patient care;
- prescribe a system for responding to and investigating violent incidents or potentially violent incidents at the facility;
- address physical security and safety;
- require the facility to solicit information from health care providers and employees when developing and implementing the plan;
- require health care providers and employees to report incidents of workplace violence through the facility's existing occurrence reporting systems; and
- require the facility to adjust patient care assignments, to the extent practicable, to prevent a health care provider or employee from treating or providing services to a patient who has intentionally physically abused or threatened the provider or employee.

These plan requirements may be satisfied by referencing other internal facility policies and documents. The bill requires a facility to adopt and implement the plan not later than September 1, 2024.

SB 240 requires the committee, at least annually, to review and evaluate the plan and report the results of the evaluation to the facility's governing body. The bill requires each facility to make available on request an electronic or printed copy of the facility's plan to each health care provider or employee of the facility. If the committee determines the plan contains information that would pose a security threat if made public, the committee may redact the information before providing the plan.

SB 240 requires a facility, following an incident of workplace violence, to offer at a minimum 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, and prohibits a facility from discouraging a health care provider or employee from exercising their right to contact or file a report with law enforcement regarding such an incident. The bill prohibits a person from disciplining, discriminating against, or retaliating against another person who in good faith reports an incident of workplace violence or advises a health care provider or employee of their right to report such an incident. The bill authorizes an appropriate licensing agency to take disciplinary action against a person who violates the bill's provisions as if the person violated an applicable licensing law.

EFFECTIVE DATE

September 1, 2023.