

FIRST REGULAR SESSION

HOUSE BILL NO. 901

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER.

1874H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to hospital workplace violence prevention plans.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.750, to read as follows:

197.750. 1. By August 28, 2020, a hospital licensed under this chapter, excluding any department of mental health state-operated psychiatric hospital, shall adopt a workplace violence prevention plan designed to protect health care employees and other hospital personnel from aggressive and violent behavior. Such a plan shall include, but not be limited to, the following:

(1) A requirement that the plan be in effect at all times in all patient care units, including inpatient and outpatient settings and clinics on the hospital's license;

(2) A definition of workplace violence that includes, but shall not be limited to, the following:

(a) The use of physical force or threat against a hospital employee by a patient or a person accompanying a patient that results in, or has a high likelihood of resulting in, psychological trauma, or stress, regardless of whether the employee sustains an injury; and

(b) An incident involving the use of a firearm or other dangerous weapon, regardless of whether the employee sustains an injury;

(3) Personnel education and training policies that require all health care workers who provide direct care to patients to, at least annually, receive education and training that is designed to provide an opportunity for interactive questions and answers with a person

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 knowledgeable about the plan. The education and training shall cover topics that include,
19 but shall not be limited to, the following:

20 (a) How to recognize potential for violence and when and how to seek assistance to
21 prevent or respond to violence;

22 (b) How to report violent incidents to law enforcement; and

23 (c) Any resources available to employees for coping with incidents of violence,
24 including, but not limited to, critical incident stress debriefing or employee assistance
25 programs;

26 (4) A system for responding to and investigating violent incidents and situations
27 involving violence or the risk of violence;

28 (5) A system to, at least annually, assess and improve upon factors that may
29 contribute to or help prevent workplace violence including, but not limited to, the
30 following:

31 (a) Staffing, including staffing patterns and patient classification systems that
32 contribute to or are insufficient to address the risk of violence;

33 (b) Sufficiency of security systems, including alarms, emergency response, and
34 security personnel availability;

35 (c) Job design, equipment, and facilities; and

36 (d) Security risks associated with specific units, areas of the facility with
37 uncontrolled access, late night or early morning shifts, and employee security in areas
38 surrounding the facility, such as employee parking areas; and

39 (6) A requirement that all temporary personnel be oriented to the plan.

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41 The hospital shall file the workplace violence prevention plan with the department of
42 health and senior services upon adoption.

43 2. A hospital with a workplace violence prevention plan under this section shall not
44 intentionally prevent an employee from, or take punitive or retaliatory action against an
45 employee for, seeking assistance and intervention from local emergency services or law
46 enforcement when a violent incident occurs.

47 3. A hospital with a workplace violence prevention plan under this section shall
48 document and retain for a period of five years a written record of any violent incident
49 against a hospital employee, regardless of whether the employee sustained an injury or
50 whether the report was made by the employee who was the subject of the violent incident
51 or any other employee. The hospital shall report violent incidents to the department. If
52 the incident resulted in an injury, involved the use of a firearm or other dangerous weapon,
53 or presented an urgent or emergent threat to the welfare, health, or safety of hospital

54 personnel, the hospital shall report the incident to the department within twenty-four
55 hours. All other incidents of violence shall be reported to the department within seventy-
56 two hours.

57 4. By January 1, 2021, and each year thereafter, the department shall make
58 available to the general assembly and the governor, in a manner that protects patient and
59 employee confidentiality, a report containing information on violent incidents at hospitals
60 including, but not limited to, the following:

61 (1) The total number of reports;

62 (2) The specific hospitals that filed such reports;

63 (3) The outcome of any related inspections or investigations;

64 (4) The citations or penalties, if any, levied against a hospital based on a violent
65 incident; and

66 (5) Recommendations of the department on the prevention of violent incidents at
67 hospitals.

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