

SECOND REGULAR SESSION

HOUSE BILL NO. 3401

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHELPS.

7076H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 191 and 197, RSMo, by adding thereto six new sections relating to workplace violence prevention in health care settings.

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

Section A. Chapters 191 and 197, RSMo, are amended by adding thereto six new sections, to be known as sections 191.1903, 191.1906, 191.1909, 191.1912, 191.1915, and 197.708, to read as follows:

191.1903. As used in sections 191.1903 to 191.1915, the following terms mean:

(1) "Committee", the workplace violence prevention committee or other committee responsible for developing a facility's workplace violence prevention plan under section 191.1906;

(2) "Facility", any hospital, as defined in section 197.020;

(3) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by this state to perform specified health services consistent with state law, including an emergency medical responder as defined in section 190.100.

191.1906. 1. Each facility shall establish a workplace violence prevention committee or authorize an existing facility committee to develop the workplace violence prevention plan required under section 191.1909.

2. The committee shall include at least:

(1) One registered nurse who provides direct care to patients of the facility;

(2) One physician licensed to practice medicine in this state who provides direct care to patients of the facility; and

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.

8 **(3) One facility employee who provides security services for the facility, if any**
9 **and if practicable.**

10 **3. A health care system that owns or operates more than one facility may**
11 **establish a single committee for all of the system's facilities if:**

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

14 **(2) Data related to violence prevention remains distinctly identifiable for each**
15 **facility in the system.**

191.1909. 1. A facility shall adopt and enforce a written workplace violence
2 **prevention plan in accordance with this section to protect health care professionals and**
3 **employees from violent behavior and threats of violent behavior occurring at the**
4 **facility. The facility shall provide significant consideration to the violence prevention**
5 **plan recommended by the facility's committee under section 191.1906 and shall evaluate**
6 **any existing facility violence prevention plan.**

7 **2. A facility's workplace violence prevention plan shall:**

8 **(1) Be based on the practice setting;**

9 **(2) Encourage health care professionals and employees of the facility to provide**
10 **confidential information on workplace violence to the committee;**

11 **(3) Include a process to protect from retaliation facility health care professionals**
12 **and employees who provide information to the committee;**

13 **(4) Adopt a definition of workplace violence that includes:**

14 **(a) An act or threat of physical force against a health care professional or**
15 **employee that results in, or is likely to result in, physical injury or psychological**
16 **trauma; and**

17 **(b) An incident involving the use of a firearm or other dangerous weapon,**
18 **regardless of whether a health care professional or employee is injured by the weapon;**

19 **(5) Require the facility to offer at least annually workplace violence prevention**
20 **training or education that may be included in required training or education provided**
21 **to the facility's health care professionals and employees who provide direct patient care;**

22 **(6) Prescribe a system for responding to and investigating violent incidents or**
23 **potentially violent incidents at the facility;**

24 **(7) Address physical safety and security;**

25 **(8) Require the facility to solicit information from health care professionals and**
26 **employees when developing and implementing a workplace violence prevention plan;**

27 **(9) Allow health care professionals and employees to report incidents of**
28 **workplace violence through the facility's existing occurrence reporting systems; and**

29 **(10) Require the facility to adjust patient care assignments, to the extent**
30 **practicable, to prevent a health care professional or employee of the facility from**
31 **treating or providing services to a patient who has intentionally physically abused or**
32 **threatened the health care professional or employee.**

33 **3. The written workplace violence prevention plan may satisfy the requirements**
34 **of subsection 2 of this section by referencing other internal facility policies and**
35 **documents.**

36 **4. At least annually, a committee shall review and evaluate the workplace**
37 **violence prevention plan and report the results of the evaluation to the governing body**
38 **of the facility.**

39 **5. Each facility shall make available on request an electronic or printed copy of**
40 **the facility's workplace violence prevention plan to each health care professional or**
41 **employee of the facility. If the facility or the committee determines the plan contains**
42 **information that would pose a security threat if made public, the facility may redact that**
43 **information before providing the plan.**

191.1912. 1. Following an incident of workplace violence, a facility shall, at a
2 **minimum, offer immediate post-incident services, including any necessary acute medical**
3 **treatment for each health care professional or employee of the facility who is directly**
4 **involved in the incident.**

5 **2. No facility shall discourage a health care professional or employee from**
6 **exercising the health care professional's or employee's right to contact or file a report**
7 **with law enforcement regarding an incident of workplace violence.**

8 **3. No person shall discipline, including by suspension or termination of**
9 **employment, discriminate against, or retaliate against another person who:**

10 **(1) In good faith reports an incident of workplace violence; or**

11 **(2) Advises a health care professional or employee of the health care**
12 **professional's or employee's right to report an incident of workplace violence.**

191.1915. 1. An agency with jurisdiction over the license of a facility or health
2 **care professional may take disciplinary action against any person who violates the**
3 **provisions of sections 191.1903 to 191.1915 as if the person violated an applicable**
4 **licensing law.**

5 **2. A facility or health care professional participating in good faith in complying**
6 **with the provisions of sections 191.1903 to 191.1915 and a workplace violence**
7 **prevention plan adopted under section 191.1909 shall be immune from any liability,**
8 **civil or criminal, that may otherwise be incurred or imposed.**

197.708. Each hospital shall display in a prominent place within the waiting
2 **rooms of the emergency department and the labor and delivery department a printed**

3 sign with the following text in all capital letters: "WARNING: ASSAULTING A
4 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE
5 OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH CARE
6 PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME AND WILL
7 BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW."

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