

HCS HB 3401 -- WORKPLACE VIOLENCE PREVENTION IN HEALTH CARE SETTINGS

SPONSOR: Phelps

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health by a vote of 16 to 0.

The following is a summary of the House Committee Substitute for HB 3401.

This bill requires certain facilities to establish workplace violence prevention committees or authorize existing committees to develop a workplace violence prevention plan. The bill specifies the committee's required membership.

The plan must be adopted and enforced to protect health care professionals and employees from violent behavior and threats of violent behavior occurring at the facility. The bill specifies what the plan must accomplish, including, but not limited to, adopting a definition of workplace violence, including a process to protect health care professionals and employees from retaliation, and requiring the facility to offer at least annually workplace violence prevention training or education.

The committee is required to annually review and evaluate the workplace violence prevention plan and report the evaluation's results to the facility's governing body. Additionally, each facility is required to make available, on request, an electronic or printed copy of the workplace violence prevention plan to each health care professional or employee of the facility.

Following an incident of workplace violence, a facility is required to offer post-incident services, including any necessary acute medical treatment, and no facility will discourage a health care professional or employee from exercising his or her right to contact or file a report with law enforcement regarding an incident of workplace violence. Moreover, no person will discipline, discriminate against, or retaliate against another person who in good faith reports an incident of workplace violence or advises a health care professional or employee of his or her right to report an incident of workplace violence.

An agency that has jurisdiction over the license of a facility or health care professional may take disciplinary action against any person who violates the provisions of this bill as if the person violated an applicable licensing law. Additionally, a facility

or health care professional participating in good faith in complying with the provisions of this bill will be immune from civil or criminal liability that may otherwise be incurred or imposed.

This bill also requires hospitals to display a printed sign in the waiting rooms of the emergency department and the labor and delivery department with the following text in all capital letters:

"WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH CARE PROFESSIONAL, IS A SERIOUS CRIME AND WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW."

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill takes a meaningful step toward addressing the real and growing problem of violence against health care workers. A variety of statistics were shared indicating the prevalence of physical, verbal or psychological, and sexual abuse against health care workers in their workplaces, and many shared that they feel it is simply part of the job nowadays. Health care provider shortages and burnout will continue to worsen unless action is taken.

Testifying in person for the bill were Representative Phelps; Mercy Healthcare Systems; Arnie Dienoff; American College of Obstetricians & Gynecologists; Missouri College of Emergency Physicians; Missouri Hospital Association; Missouri State Medical Association; Missouri Association of Osteopathic Physicians & Surgeons; Missouri Nurses Association; Missouri Rural Health Association; Missouri Academy of Family Physicians; and David Barnes, Missouri Emergency Nurse Association.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.