

HB 3401 -- WORKPLACE VIOLENCE PREVENTION IN HEALTH CARE SETTINGS

SPONSOR: Phelps

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 WITH ANY BODILY FLUID, IS A SERIOUS CRIME AND WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW."