

HOUSE BILL 710

K3, J3

4lr2337
CF SB 483

By: **Delegates Cullison, Hucker, Barkley, Barnes, Carr, Clagett, Donoghue, Frick, Glenn, Gutierrez, Jameson, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, A. Miller, Murphy, Pena-Melnyk, Reznik, V. Turner, Waldstreicher, M. Washington, and Zucker**

Introduced and read first time: January 31, 2014

Assigned to: Health and Government Operations

Reassigned: Economic Matters, February 7, 2014

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Nursing Homes and Health Care Facilities –**
3 **Workplace ~~Violence Prevention~~ Safety Assessment and Safety Program**

4 FOR the purpose of requiring certain nursing homes to assign to a certain committee
5 the task of conducting an annual assessment of workplace safety issues and
6 making certain recommendations; requiring, in conducting a certain annual
7 assessment, a certain committee to consult certain employees of the nursing
8 home; requiring a certain health care facility to establish a certain workplace
9 ~~violence prevention~~ safety committee; requiring the workplace ~~violence~~
10 ~~prevention~~ safety committee to establish a certain workplace ~~violence~~
11 ~~prevention~~ safety program; requiring a workplace ~~violence prevention~~ safety
12 program to include certain components; providing for the application of certain
13 provisions of this Act; defining certain terms; and generally relating to the
14 workplace ~~violence prevention~~ safety assessments and safety programs of
15 nursing homes and health care facilities.

16 BY adding to

17 Article – Health – General

18 Section 19-1410.2

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Labor and Employment
 3 Section 5–1101 through 5–1103 to be under the new subtitle “Subtitle 11.
 4 Health Care Facilities – Workplace ~~Violence Prevention~~ Safety Program”
 5 Annotated Code of Maryland
 6 (2008 Replacement Volume and 2013 Supplement)

7 Preamble

8 WHEREAS, ~~Violence~~ Risk of injury is a problem in many health care settings in
 9 the State and across the nation ~~and, although violence is an increasing problem for~~
 10 ~~many workers, health care workers are at particularly high risk;~~ and

11 ~~WHEREAS, According to a 2010 study by the U.S. Bureau of Labor Statistics,~~
 12 ~~violence in the Maryland health care and social assistance industry accounts for 72%~~
 13 ~~of workplace assaults; and~~

14 WHEREAS, The actual incidence of ~~violence~~ injury is likely higher than
 15 reported for several reasons, including inadequate reporting mechanisms and because
 16 victims underreport incidents out of fear of reprisal, isolation, and shame; and

17 WHEREAS, ~~Violence against health~~ Health care workers being injured on the
 18 job exacts a significant toll on victims, their co-workers, patients, families, health care
 19 facilities, and visitors to health care facilities; and

20 WHEREAS, Workers’ compensation and insurance claims, lost productivity,
 21 disruptions to operations, legal expenses, and property damage are only a few of the
 22 negative effects that workplace ~~violence has~~ injuries have on health care facilities; and

23 WHEREAS, Health care professionals who leave their occupations because of
 24 ~~assaults~~ injury or ~~threats of assault~~ risk of injury contribute to the significant
 25 problems of recruitment, retention, and shortage of health care workers; and

26 WHEREAS, It is possible to reduce and mitigate the ~~effects of violence~~ risk of
 27 injury in health care facilities through employer-based ~~violence prevention~~ workplace
 28 safety programs; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 30 MARYLAND, That the Laws of Maryland read as follows:

31 Article – Health – General

32 19–1410.2.

1 (C) "HEALTH CARE WORKER" MEANS AN INDIVIDUAL EMPLOYED BY A
2 HEALTH CARE FACILITY.

3 (D) "HOSPITAL" HAS THE MEANING STATED IN § 19-301 OF THE
4 HEALTH - GENERAL ARTICLE.

5 ~~(E) "RELATED INSTITUTION" HAS THE MEANING STATED IN § 19-301 OF~~
6 ~~THE HEALTH - GENERAL ARTICLE.~~

7 (E) "STATE RESIDENTIAL CENTER" HAS THE MEANING STATED IN §
8 7-101 OF THE HEALTH - GENERAL ARTICLE.

9 (F) "WORKPLACE ~~VIOLENCE~~ SAFETY" MEANS THE PREVENTION OF ANY
10 PHYSICAL ASSAULT, OR THREATENING BEHAVIOR, ~~OR VERBAL ABUSE~~
11 ~~COMMITTED BY A PATIENT IN A HEALTH CARE FACILITY~~ AGAINST A HEALTH
12 CARE WORKER IN A HEALTH CARE FACILITY.

13 5-1102.

14 (A) A HEALTH CARE FACILITY SHALL ESTABLISH A WORKPLACE
15 ~~VIOLENCE PREVENTION SAFETY~~ COMMITTEE TO ESTABLISH AND ADMINISTER A
16 WORKPLACE ~~VIOLENCE PREVENTION SAFETY~~ PROGRAM.

17 (B) THE WORKPLACE ~~VIOLENCE PREVENTION SAFETY~~ COMMITTEE
18 ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMPOSED
19 OF AN EQUAL NUMBER OF EMPLOYEES WHO WORK IN MANAGEMENT AND
20 EMPLOYEES WHO DO NOT WORK IN MANAGEMENT.

21 5-1103.

22 (A) THE WORKPLACE ~~VIOLENCE PREVENTION SAFETY~~ COMMITTEE
23 SHALL ESTABLISH A WORKPLACE ~~VIOLENCE PREVENTION SAFETY~~ PROGRAM
24 THAT IS APPROPRIATE FOR THE SIZE AND COMPLEXITY OF THE HEALTH CARE
25 FACILITY.

26 (B) THE WORKPLACE ~~VIOLENCE PREVENTION SAFETY~~ PROGRAM
27 ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

28 (1) A WRITTEN POLICY DESCRIBING HOW THE HEALTH CARE
29 FACILITY PROVIDES FOR THE ~~SECURITY~~ SAFETY OF HEALTH CARE WORKERS;

30 (2) AN ANNUAL ASSESSMENT TO:

1 (I) IDENTIFY HAZARDS, CONDITIONS, OPERATIONS, AND
2 SITUATIONS THAT COULD LEAD TO WORKPLACE ~~VIOLENCE~~ INJURIES; AND

3 (II) BE USED TO DEVELOP RECOMMENDATIONS TO REDUCE
4 THE RISK OF WORKPLACE ~~VIOLENCE~~ INJURIES;

5 (3) A PROCESS FOR REPORTING, RESPONDING TO, AND TRACKING
6 INCIDENCES OF WORKPLACE ~~VIOLENCE~~ INJURIES; AND

7 (4) REGULAR WORKPLACE ~~VIOLENCE—PREVENTION~~ SAFETY
8 TRAINING FOR HEALTH CARE WORKERS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.