



## DEPARTMENT OF HEALTH

*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary*

March 2, 2020

The Honorable Shane E. Pendergrass, Chair  
House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

**RE: HB 612- Labor and Employment - Health Care Facilities - Workplace Safety Program  
– Revisions – Letter of Information**

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of information for HB 612- Labor and Employment - Health Care Facilities - Workplace Safety Program – Revisions. HB612 would allow staff at any of the Department’s hospital facilities to opt out of caring for patients following a reported incident of physical assault or threatening behavior.

The Department has unified all state-facility operations, including workplace violence procedures, under the Deputy Secretary of Operations and Chief Hospital Administrator. Whenever a staff person feels threatened or is assaulted there is a pathway to negotiate and implement a safety plan, which may include moving a patient to another clinical unit, moving a staff person to another clinical unit, modifications to treatment and behavioral plans for patients, or a host of other options. Regardless of the action taken, though, following the new process allows for careful planning that considers the hospital staff’s collective experience dealing with mentally ill patients and takes place on a timeline that does not compromise patient care.

If employees could ignore this process and unilaterally refuse to work with a patient, it would be extremely difficult for the Department to staff its hospitals and provide the necessary care to its patients. Furthermore, this bill does not define any qualifications about an employee’s right to refuse care for a patient, such as the length of time an employee could refuse to care for a patient or whether there would be a trial period after which an employee could decide again not to care for a patient on the basis of the original complaint.

The Department takes the safety of our employees very seriously and within the last year, we have made systemic safety improvements to our facilities state-wide that have already preliminarily resulted in the reduction of workplace injuries. For example, the number of staff at the Potomac Center on leave due injury related to patient assaults has been reduced from 32 in July 2019 to as little as 3 as of February 2020. The Department has also seen a decrease in overtime spending and a reduction in vacancies at all of its facilities. The Department will continue to make improvements and ensure that workplace safety remains a priority for our patients and staff.

I hope this information is useful. If you would like to discuss this further, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Neall", with a long horizontal flourish extending to the right.

Robert R. Neall  
Secretary