

2 SSB 5312 - H COMM AMD

3 By Committee on Commerce & Labor

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5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. Sec. 1. The legislature finds that:

8 (1) Violence is an escalating problem in many health care settings  
9 in this state and across the nation;

10 (2) Based on an analysis of workers' compensation claims, the  
11 department of labor and industries reports that health care employees  
12 face the highest rate of workplace violence in Washington state;

13 (3) The actual incidence of workplace violence in health care  
14 settings is likely to be greater than documented because of failure to  
15 report or failure to maintain records of incidents that are reported;

16 (4) Patients, visitors, and health care employees should be assured  
17 a reasonably safe and secure environment in health care settings; and

18 (5) Many health care settings have undertaken efforts to assure  
19 that patients, visitors, and employees are safe from violence, but  
20 additional personnel training and appropriate safeguards may be needed  
21 to prevent workplace violence and minimize the risk and dangers  
22 affecting people in health care settings.

23 NEW SECTION. Sec. 2. For purposes of this chapter:

24 (1) "Health care setting" means:

25 (a) Hospitals as defined in RCW 70.41.020;

26 (b) Home health, hospice, and home care agencies under chapter  
27 70.127 RCW, subject to section 8 of this act;

28 (c) Evaluation and treatment facilities as defined in RCW  
29 71.05.020(8); and

30 (d) Community mental health programs as defined in RCW  
31 71.24.025(8).

32 (2) "Department" means the department of labor and industries.

33 (3) "Employee" means an employee as defined in RCW 49.17.020.

1 (4) "Violence" or "violent act" means any physical assault or  
2 verbal threat of physical assault against an employee of a health care  
3 setting.

4 NEW SECTION. **Sec. 3.** (1) By July 1, 2000, each health care  
5 setting shall develop and implement a plan to reasonably prevent and  
6 protect employees from violence at the setting. The plan shall address  
7 security considerations related to the following items, as appropriate  
8 to the particular setting, based upon the hazards identified in the  
9 assessment required under subsection (2) of this section:

- 10 (a) The physical attributes of the health care setting;  
11 (b) Staffing, including security staffing;  
12 (c) Personnel policies;  
13 (d) First aid and emergency procedures;  
14 (e) The reporting of violent acts; and  
15 (f) Employee education and training.

16 (2) Before the development of the plan required under subsection  
17 (1) of this section, each health care setting shall conduct a security  
18 and safety assessment to identify existing or potential hazards for  
19 violence and determine the appropriate preventive action to be taken.  
20 The assessment shall include, but is not limited to, a measure of the  
21 frequency of, and an identification of the causes for and consequences  
22 of, violent acts at the setting during at least the preceding five  
23 years or for the years records are available for assessments involving  
24 home health, hospice, and home care agencies.

25 (3) In developing the plan required by subsection (1) of this  
26 section, the health care setting may consider any guidelines on  
27 violence in the workplace or in health care settings issued by the  
28 department of health, the department of social and health services, the  
29 department of labor and industries, the federal occupational safety and  
30 health administration, medicare, and health care setting accrediting  
31 organizations.

32 NEW SECTION. **Sec. 4.** By July 1, 2001, and on a regular basis  
33 thereafter, as set forth in the plan developed under section 3 of this  
34 act, each health care setting shall provide violence prevention  
35 training to all its affected employees as determined by the plan. The  
36 training shall occur within ninety days of the employee's initial  
37 hiring date unless he or she is a temporary or sporadic employee. The

1 training may vary by the plan and may include, but is not limited to,  
2 classes, videotapes, brochures, verbal training, or other verbal or  
3 written training that is determined to be appropriate under the plan.  
4 The training shall address the following topics, as appropriate to the  
5 particular setting and to the duties and responsibilities of the  
6 particular employee being trained, based upon the hazards identified in  
7 the assessment required under section 3 of this act:

- 8 (1) General safety procedures;
- 9 (2) Personal safety procedures;
- 10 (3) The violence escalation cycle;
- 11 (4) Violence-predicting factors;
- 12 (5) Obtaining patient history from a patient with violent behavior;
- 13 (6) Verbal and physical techniques to de-escalate and minimize  
14 violent behavior;
- 15 (7) Strategies to avoid physical harm;
- 16 (8) Restraining techniques;
- 17 (9) Appropriate use of medications as chemical restraints;
- 18 (10) Documenting and reporting incidents;
- 19 (11) The process whereby employees affected by a violent act may  
20 debrief;
- 21 (12) Any resources available to employees for coping with violence;
- 22 and
- 23 (13) The health care setting's workplace violence prevention plan.

24 NEW SECTION. **Sec. 5.** Beginning no later than July 1, 2000, each  
25 health care setting shall keep a record of any violent act against an  
26 employee, a patient, or a visitor occurring at the setting. At a  
27 minimum, the record shall include:

- 28 (1) The health care setting's name and address;
- 29 (2) The date, time, and specific location at the health care  
30 setting where the act occurred;
- 31 (3) The name, job title, department or ward assignment, and staff  
32 identification or social security number of the victim if an employee;
- 33 (4) A description of the person against whom the act was committed  
34 as:
  - 35 (a) A patient;
  - 36 (b) A visitor;
  - 37 (c) An employee; or
  - 38 (d) Other;

1 (5) A description of the person committing the act as:  
2 (a) A patient;  
3 (b) A visitor;  
4 (c) An employee; or  
5 (d) Other;  
6 (6) A description of the type of violent act as a:  
7 (a) Threat of assault with no physical contact;  
8 (b) Physical assault with contact but no physical injury;  
9 (c) Physical assault with mild soreness, surface abrasions,  
10 scratches, or small bruises;  
11 (d) Physical assault with major soreness, cuts, or large bruises;  
12 (e) Physical assault with severe lacerations, a bone fracture, or  
13 a head injury; or  
14 (f) Physical assault with loss of limb or death;  
15 (7) An identification of any body part injured;  
16 (8) A description of any weapon used;  
17 (9) The number of employees in the vicinity of the act when it  
18 occurred; and  
19 (10) A description of actions taken by employees and the health  
20 care setting in response to the act. Each record shall be kept for at  
21 least five years following the act reported, during which time it shall  
22 be available for inspection by the department upon request.

23 NEW SECTION. **Sec. 6.** Failure of a health care setting to comply  
24 with this chapter shall subject the setting to citation under chapter  
25 49.17 RCW.

26 NEW SECTION. **Sec. 7.** A health care setting needing assistance to  
27 comply with this chapter may contact the federal department of labor or  
28 the state department of labor and industries for assistance. The state  
29 departments of labor and industries, social and health services, and  
30 health shall collaborate with representatives of health care settings  
31 to develop technical assistance and training seminars on plan  
32 development and implementation, and shall coordinate their assistance  
33 to health care settings.

34 NEW SECTION. **Sec. 8.** It is the intent of the legislature that any  
35 violence protection and prevention plan developed under this chapter be  
36 appropriate to the setting in which it is to be implemented. To that

1 end, the legislature recognizes that not all professional health care  
2 is provided in a facility or other formal setting, such as a hospital.  
3 Many services are provided by home health, hospice, and home care  
4 agencies. The legislature finds that it is inappropriate and  
5 impractical for these agencies to address workplace violence in the  
6 same manner as other, facility-based, health care settings. When  
7 enforcing this chapter as to home health, hospice, and home care  
8 agencies, the department shall allow agencies sufficient flexibility in  
9 recognition of the unique circumstances in which these agencies deliver  
10 services.

11 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act constitute  
12 a new chapter in Title 49 RCW."

13 Correct the title.

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