

FIRST REGULAR SESSION

SENATE BILL NO. 390

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2064S.01I

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to hospital workplace violence prevention plans.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new
2 section, to be known as section 197.750, to read as follows:

**197.750. 1. By August 28, 2020, a hospital licensed under this
2 chapter, excluding any department of mental health state-operated
3 psychiatric hospital, shall adopt a workplace violence prevention plan
4 designed to protect health care employees and other hospital personnel
5 from aggressive and violent behavior. Such plan shall include, but not
6 be limited to, the following:**

7 **(1) A requirement that the plan be in effect at all times in all
8 patient care units, including inpatient and outpatient settings and
9 clinics on the hospital's license;**

10 **(2) A definition of workplace violence that includes, but shall not
11 be limited to, the following:**

12 **(a) The use of physical force or threats against a hospital
13 employee by a patient or a person accompanying a patient that results
14 in, or has a high likelihood of resulting in, psychological trauma, or
15 stress, regardless of whether the employee sustains an injury; and**

16 **(b) An incident involving the use of a firearm or other dangerous
17 weapon, regardless of whether the employee sustains an injury;**

18 **(3) Personnel education and training policies that require all
19 health care workers who provide direct care to patients to, at least
20 annually, receive education and training that is designed to provide an
21 opportunity for interactive questions and answers with a person**

22 knowledgeable about the plan. The education and training shall cover
23 topics that include, but shall not be limited to, the following:

24 (a) How to recognize potential for violence and when and how to
25 seek assistance to prevent or respond to violence;

26 (b) How to report violent incidents to law enforcement; and

27 (c) Any resources available to employees for coping with
28 incidents of violence, including, but not limited to, critical incident
29 stress debriefing or employee assistance programs;

30 (4) A system for responding to and investigating violent
31 incidents and situations involving violence or the risk of violence;

32 (5) A system to, at least annually, assess and improve upon
33 factors that may contribute to or help prevent workplace violence,
34 including, but not limited to, the following:

35 (a) Staffing, including staffing patterns and patient classification
36 systems that contribute to or are insufficient to address the risk of
37 violence;

38 (b) Sufficiency of security systems, including alarms, emergency
39 response, and security personnel availability;

40 (c) Job design, equipment, and facilities; and

41 (d) Security risks associated with specific units, areas of the
42 facility with uncontrolled access, late-night or early morning shifts, and
43 employee security in areas surrounding the facility, such as employee
44 parking areas; and

45 (6) A requirement that all temporary personnel be oriented to
46 the plan.

47 The hospital shall file the workplace violence prevention plan with the
48 department of health and senior services upon adoption.

49 2. A hospital with a workplace violence prevention plan under
50 this section shall not intentionally prevent an employee from, or take
51 punitive or retaliatory action against an employee for, seeking
52 assistance and intervention from local emergency services or law
53 enforcement when a violent incident occurs.

54 3. A hospital with a workplace violence prevention plan under
55 this section shall document, and retain for a period of five years, a
56 written record of any violent incident against a hospital employee,
57 regardless of whether the employee sustained an injury or whether the
58 report was made by the employee who was the subject of the violent

59 incident or any other employee. The hospital shall report violent
60 incidents to the department. If the incident resulted in an injury,
61 involved the use of a firearm or other dangerous weapon, or presented
62 an urgent or emergent threat to the welfare, health, or safety of
63 hospital personnel, the hospital shall report the incident to the
64 department within twenty-four hours. All other incidents of violence
65 shall be reported to the department within seventy-two hours.

66 4. By January 1, 2021, and each year thereafter, the department
67 shall make available to the general assembly and the governor, in a
68 manner that protects patient and employee confidentiality, a report
69 containing information on violent incidents at hospitals, including, but
70 not limited to, the following:

- 71 (1) The total number of reports;
- 72 (2) The specific hospitals that filed such reports;
- 73 (3) The outcome of any related inspections or investigations;
- 74 (4) The citations or penalties, if any, levied against a hospital
75 based on a violent incident; and
- 76 (5) Recommendations of the department on the prevention of
77 violent incidents at hospitals.

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