

SENATE BILL NO. 1775

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

7489S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 565.056, RSMo, and to enact in lieu thereof seven new sections relating to workplace violence prevention in health care settings, with penalty provisions.

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

Section A. Section 565.056, RSMo, is repealed and seven
2 new sections enacted in lieu thereof, to be known as sections
3 191.1903, 191.1906, 191.1909, 191.1912, 191.1915, 197.708, and
4 565.056, to read as follows:

191.1903. As used in sections 191.1903 to 191.1915,
2 the following terms mean:

3 (1) "Committee", the workplace violence prevention
4 committee or other committee responsible for developing a
5 facility's workplace violence prevention plan under section
6 191.1906;

7 (2) "Facility", any hospital, as defined in section
8 197.020;

9 (3) "Health care professional", a physician or other
10 health care practitioner licensed, accredited, or certified
11 by this state to perform specified health services
12 consistent with state law, including an emergency medical
13 responder as defined in section 190.100.

191.1906. 1. Each facility shall establish a
2 workplace violence prevention committee or authorize an

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 existing facility committee to develop the workplace
4 violence prevention plan required under section 191.1909.

5 2. The committee shall include at least:

6 (1) One registered nurse who provides direct care to
7 patients of the facility;

8 (2) One physician licensed to practice medicine in
9 this state who provides direct care to patients of the
10 facility; and

11 (3) One facility employee who provides security
12 services for the facility, if any and if practicable.

13 3. A health care system that owns or operates more
14 than one facility may establish a single committee for all
15 of the system's facilities if:

16 (1) The committee develops a violence prevention plan
17 for implementation at each facility in the system; and

18 (2) Data related to violence prevention remains
19 distinctly identifiable for each facility in the system.

20 191.1909. 1. A facility shall adopt and enforce a
21 written workplace violence prevention plan in accordance
22 with this section to protect health care professionals and
23 employees from violent behavior and threats of violent
24 behavior occurring at the facility. The facility shall
25 provide significant consideration to the violence prevention
26 plan recommended by the facility's committee under section
27 191.1906 and shall evaluate any existing facility violence
28 prevention plan.

29 2. A facility's workplace violence prevention plan
30 shall:

31 (1) Be based on the practice setting;

32 (2) Encourage health care professionals and employees
33 of the facility to provide confidential information on
34 workplace violence to the committee;
35

16 (3) Include a process to protect from retaliation
17 facility health care professionals and employees who provide
18 information to the committee;

19 (4) Adopt a definition of workplace violence that
20 includes:

21 (a) An act or threat of physical force against a
22 health care professional or employee that results in, or is
23 likely to result in, physical injury or psychological
24 trauma; and

25 (b) An incident involving the use of a firearm or
26 other dangerous weapon, regardless of whether a health care
27 professional or employee is injured by the weapon;

28 (5) Require the facility to offer at least annually
29 workplace violence prevention training or education that may
30 be included in required training or education provided to
31 the facility's health care professionals and employees who
32 provide direct patient care;

33 (6) Prescribe a system for responding to and
34 investigating violent incidents or potentially violent
35 incidents at the facility;

36 (7) Address physical safety and security;

37 (8) Require the facility to solicit information from
38 health care professionals and employees when developing and
39 implementing a workplace violence prevention plan;

40 (9) Allow health care professionals and employees to
41 report incidents of workplace violence through the
42 facility's existing occurrence reporting systems; and

43 (10) Require the facility to adjust patient care
44 assignments, to the extent practicable, to prevent a health
45 care professional or employee of the facility from treating
46 or providing services to a patient who has intentionally

47 physically abused or threatened the health care professional
48 or employee.

49 3. The written workplace violence prevention plan may
50 satisfy the requirements of subsection 2 of this section by
51 referencing other internal facility policies and documents.

52 4. At least annually, a committee shall review and
53 evaluate the workplace violence prevention plan and report
54 the results of the evaluation to the governing body of the
55 facility.

56 5. Each facility shall make available on request an
57 electronic or printed copy of the facility's workplace
58 violence prevention plan to each health care professional or
59 employee of the facility. If the facility or the committee
60 determines the plan contains information that would pose a
61 security threat if made public, the facility may redact that
62 information before providing the plan.

191.1912. 1. Following an incident of workplace
2 violence, a facility shall, at a minimum, offer immediate
3 postincident services, including any necessary acute medical
4 treatment for each health care professional or employee of
5 the facility who is directly involved in the incident.

6 2. No facility shall discourage a health care
7 professional or employee from exercising the health care
8 professional's or employee's right to contact or file a
9 report with law enforcement regarding an incident of
10 workplace violence.

11 3. No person shall discipline, including by suspension
12 or termination of employment, discriminate against, or
13 retaliate against another person who:

14 (1) In good faith reports an incident of workplace
15 violence; or

16 (2) Advises a health care professional or employee of
17 the health care professional's or employee's right to report
18 an incident of workplace violence.

191.1915. 1. An agency with jurisdiction over the
2 license of a facility or health care professional may take
3 disciplinary action against any person who violates the
4 provisions of sections 191.1903 to 191.1915 as if the person
5 violated an applicable licensing law.

6 2. A facility or health care professional
7 participating in good faith in complying with the provisions
8 of sections 191.1903 to 191.1915 and a workplace violence
9 prevention plan adopted under section 191.1909 shall be
10 immune from any liability, civil or criminal, that may
11 otherwise be incurred or imposed.

197.708. Each hospital shall display in a prominent
2 place within the waiting rooms of the emergency department
3 and the labor and delivery department a printed sign with
4 the following text in all capital letters: "WARNING:
5 ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE
6 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING
7 STRIKING A HEALTH CARE PROFESSIONAL WITH ANY BODILY FLUID,
8 IS A SERIOUS CRIME AND WILL BE PROSECUTED TO THE FULLEST
9 EXTENT OF THE LAW."

565.056. 1. A person commits the offense of assault
2 in the fourth degree if:

3 (1) The person attempts to cause or recklessly causes
4 physical injury, physical pain, or illness to another person;

5 (2) With criminal negligence the person causes
6 physical injury to another person by means of a firearm;

7 (3) The person purposely places another person in
8 apprehension of immediate physical injury;

9 (4) The person recklessly engages in conduct which
10 creates a substantial risk of death or serious physical
11 injury to another person;

12 (5) The person knowingly causes or attempts to cause
13 physical contact with a person with a disability, which a
14 reasonable person, who does not have a disability, would
15 consider offensive or provocative; [or]

16 (6) The person knowingly causes physical contact with
17 another person knowing the other person will regard the
18 contact as offensive or provocative; or

19 **(7) The person knowingly causes physical pain to a**
20 **special victim as that term is defined in section 565.002.**

21 2. Except as provided in subsection 3 of this section,
22 assault in the fourth degree is a class A misdemeanor.

23 3. Violation of the provisions of subdivision (3) or
24 (6) of subsection 1 of this section is a class C misdemeanor
25 unless the victim is a special victim, as the term "special
26 victim" is defined under section 565.002, in which case a
27 violation of such provisions is a class A misdemeanor.

28 **Violation of the provisions of subdivision (7) of subsection**
29 **1 of this section is a class A misdemeanor unless the person**
30 **has previously been found guilty or pled guilty to an**
31 **assault offense as defined under section 565.079 or an**
32 **assault in violation of a county or municipal ordinance, in**
33 **which case the offense is a class E felony. A person who**
34 **has previously been found guilty or pled guilty to an**
35 **assault offense on two or more occasions and who violates**
36 **the provisions of subdivision (7) of subsection 1 of this**
37 **section shall be guilty of a class D felony.**

38 4. A person found guilty of a violation of subdivision
39 (7) of subsection 1 of this section shall not be sentenced
40 to a fine and shall not be eligible for probation or parole

41 until the person has served a minimum of six months of
42 incarceration for a first offense or one year of
43 incarceration for a second or subsequent offense.

✓