

FIRST REGULAR SESSION

# HOUSE BILL NO. 398

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALLINGFORD.

1200H.011

DANA RADEMAN MILLER, Chief Clerk

## 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 section, to be known as section 197.750, to read as follows:

**197.750. 1. Before August 28, 2022, a hospital licensed under this chapter, excluding any department of mental health state-operated psychiatric hospital, shall adopt a workplace violence prevention plan designed to protect health care employees and other hospital personnel from aggressive and violent behavior. The hospital shall file the workplace violence prevention plan with the department of health and senior services upon adoption. Such plan shall include, but not be limited to, the following:**

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

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

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

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

**(3) Personnel education and training policies that require all health care workers who provide direct care to patients to receive education and training, at least annually, that**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 is designed to provide an opportunity for interactive questions and answers with a person  
19 knowledgeable about the plan. The education and training shall cover topics that shall  
20 include, but not be limited to, the following:

21 (a) Instruction on how to recognize the potential for violence and when and how  
22 to seek assistance to prevent or respond to violence;

23 (b) Instruction on how to report violent incidents to law enforcement; and

24 (c) Identification of any resources available to employees for coping with incidents  
25 of violence including, but not limited to, critical incident stress debriefing or employee  
26 assistance programs;

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

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

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

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

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

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

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

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

45 3. A hospital with a workplace violence prevention plan under this section shall  
46 document, and retain for a period of five years, a written record of any violent incident  
47 against a hospital employee, regardless of whether the employee sustained an injury or  
48 whether the report was made by the employee who was the subject of the violent incident  
49 or any other employee. The hospital shall report violent incidents to the department of  
50 health and senior services. If the incident resulted in an injury, involved the use of a  
51 firearm or other dangerous weapon, or presented an urgent or emergent threat to the  
52 welfare, health, or safety of hospital personnel, the hospital shall report the incident to the

53 department within twenty-four hours. All other incidents of violence shall be reported to  
54 the department within seventy-two hours.

55 4. Before January 1, 2023, and each year thereafter, the department of health and  
56 senior services shall make available to the general assembly and the governor, in a manner  
57 that protects patient and employee confidentiality, a report containing information on  
58 violent incidents at hospitals including, but not limited to, the following:

59 (1) The total number of reports;

60 (2) The specific hospitals that filed such reports;

61 (3) The outcome of any related inspections or investigations;

62 (4) The citations or penalties, if any, levied against a hospital based on a violent  
63 incident; and

64 (5) Recommendations of the department on the prevention of violent incidents at  
65 hospitals.

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