



CA

Workplace Violence Prevention Laws & Regulations

H.R. 1309



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AN ACT

To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

1 Be it enacted by the Senate and House of Represent a-
2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Workplace Violence
3 Prevention for Health Care and Social Service Workers
4 Act".

5 SEC. 2. TABLE OF CONTENTS.

6 The table of contents for this Act is as follows:

Ser. 1. Short title.

Ser. 2. Table of contents.

TITLE I-WORKPLACE VIOLENCE PREVENTION STANDARD

Ser. 101. Workplace violence prevention standard. Ser. 102. Scope and application.

Ser. 103. Requirements for workplace violence prevention standard. Ser. 104. Rules of construction.

Ser. 105. Other definitions.

TITLE II-AMENDMENTS TO THE SOCIAL SECURITY ACT

Ser. 201. Application of the workplace violence prevention standard to certain facilities receiving Medicare funds.



7 TITLE I-WORKPLACE VIOLENCE
PREVENTION STANDARD

9 SEC. 101. WORKPLACE VIOLENCE PREVENTION
STANDARD.

10 (a) INTERIM FINAL STANDARD.-

11 (1) IN GENERAL.-Not later than 1 year after
12 the date of enactment of this Act, the Secretary of
13 Labor shall promulgate an interim final standard on
14 workplace violence prevention-

15 (A) to require certain employers in the
16 health care and social service sectors, and cer-
17 tain employers in sectors that conduct activities
18 similar to the activities in the health care and
19 social service sectors, to develop and implement



1 a comprehensive workplace violence prevention
2 plan to protect health care workers, social serv-
3 ice workers, and other personnel from work-
4 place violence;

5 (B) that shall, at a minimum, be based on
6 the Guidelines for Preventing Workplace Vio-
7 lence for Healthcare and Social Service Work-
8 ers published by the Occupational Safety and
9 Health Administration of the Department of
10 Labor in 2015 and adhere to the requirements
11 of this title; and

12 (C) that provides for a period determined
13 appropriate by the Secretary, not to exceed 1
14 years, during which the Secretary shall prioritize
15 technical assistance and advice consistent with
16 section 21(d) of the Occupational Safety and
17 Health Act of 1970 (29 U.S.C. 670(d)) to em-
18 ployers subject to the standard with respect to
19 compliance with the standard.



1 6 (b) of the Occupational Safety and Health Act
2 of 1970 (29 U.S.C. 655(b)).

3 (B) The requirements of chapters 5 and 6
4 of title 5, United States Code, and titles 2 and
5 42, United States Code.

6 (3) NOTICE .A1"JD COMMENT.-Notwithstanding
7 paragraph (2)(B), the Secretary shall, prior to pro-
8 mulgating the interim final standard under this sub-
9 section, provide notice in the Federal Register of the
10 interim final standard and a 30-day period for pub-
11 lie comment.

12 (4) EFFECTIVE DATE OF INTERIM STAND

13 ARD.-The interim final standard shall-

14 (A) take effect on a date that is not later

15 than 30 days after promulgation, except that

16 such interim final standard may, v., include a rea-

17 sonable phase-in period for the implementation

18 of required engineering controls that take effect

19 after such date;



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1 (C) be in effect until the final standard de-
2 scribed in subsection (b) becomes effective and
3 enforceable.

4 (5) FAILURE TO PROMULGATE.-If an interim
5 final standard described in paragraph (1) is not pro-
6 mulgated not later than 1 year of the date of enact-
7 ment of this Act, the provisions of this title shall be
8 in effect and enforced in the same manner and to
9 the same extent as any standard promulgated under
10 section 6(b) of the Occupational Safety and Health
11 Act (29 U.S.C. 655(b)) until such provisions are su-
12 perseded in whole by an interim final standard pro-
13 mulgated by the Secretary that meets the require-
14 ments of paragraph(1).

15 (b) FINAL STANDARD.-

16 (1) PROPOSED STANDARD.-Not later than 2
17 years after the date of enactment of this Act, the
18 Secretary of Labor shall, pursuant to section 6 of
19 the Occupational Safety and Health Act (29 U.S.C.
20 655), promulgate a proposed standard on workplace
21 violence prevention-

22 (A) for the purposes described in sub-
23 section (a)(1)(A); and



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1 (B) that shall include, at a minimum, the
2 elements contained in the interim final standard
3 promulgated under subsection (a).

4 (2) FINAL STANDARD.-Not later than 42
5 months after the date of enactment of this Act, the
6 Secretary shall promulgate a final standard on such
7 proposed standard that shall-

8 (A) provide no less protection than any
9 workplace violence standard adopted by a State
10 plan that has been approved by the Secretary
11 under section 18 of the Occupational Safety
12 and Health Act of 1970 (29 U.S.C.667); and
13 (B) be effective and enforceable in the
14 same manner and to the same extent as any
15 standard promulgated under subsection 6(b) of the
16 Occupational Safety and Health Act of 1970
17 (29 U.S.C. 655(b)).

18 SEC. 102. SCOPE AND APPLICATION.

19 In this title:



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20 (1) COVERED FACILITY.-

21 (A) IN GENERAL.-The term "covered fa-
22 cility" includes the following:

23 (i) Any hospital, including any spe-
24 cialty hospital, in-patient or outpatient set-
25 ting, or clinic operating within a hospital



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1 license, or any setting that provides out
2 patient services.

3 (ii) Any residential treatment facility,
4 including any nursing home, skilled nurs
5 ing facility, hospice facility, and long-term
6 care facility.

7 (iii) Any non-residential treatment or
8 service setting.

9 (iv) Any medical treatment or social
10 service setting or clinic at a correctional or
11 detention facility.

12 (v) Any community care setting, in
13 cluding a community-based residential fa
14 cility, group home, and mental health clin-
15 ic.

16 (vi) Any psychiatric treatment facility.

17 (vii) Any drug abuse or substance use
18 disorder treatment center.

19 (viii) Any independent freestanding



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20 emergency centers.

21 (ix) Any facility described in clauses

22 (i) through (viii) operated by a Federal

23 Government agency and required to comply

24 with occupational safety and health stand

25 ards pursuant to section 1960 of title 29,



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1 Code of Federal Regulations (as such sec
2 tion is in effect on the date of enactment
3 of this Act).

4 (x) Any other facility the Secretary
5 determines should be covered under the
6 standards promulgated under section 101.

7 (B) EXCLUSION.-The term "covered facil-
8 ity" does not include an office of a physician,
9 dentist, podiatrist, or any other health practi-
10 tioner that is not physically located 'N1thin a
11 covered facility described in clauses(i) through
12 (x) of subparagraph (A).

13 (2) COVERED SERVICES.-

14 (A) IN GENERAL.-The term "covered
15 service" includes the following services and op-
16 erations:

17 (i) Any services and operations pro-
18 vided in any fieldvirork setting, including
19 home healthcare, home-based hospice, and



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20 home-based social work.

21 (ii) Any emergency services and trans
22 port, including such services provided by
23 firefighters and emergency responders.

24 (iii) Any services described in clauses

25 (i) and (ii) performed by a Federal Gov-



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1 ernment agency and required to comply
2 with occupational safety and health stand
3 ards pursuant to section 1960 of title 29,
4 Code of Federal Regulations (as such sec
5 tion is in effect on the date of enactment
6 of this Act).

7 (iv) Any other services and operations
8 the Secretary determines should be covered
9 under the standards promulgated under
10 section 101.

11 (B) EXCLUSION.-rrhe term "covered serv
12 ice" does not include child day care services.

13 (3) COVERED EMPLOYER.-

14 (A) IN GENERAL.-rrhe term "covered em
15 ployer" includes a person (including a con
16 tractor, subcontractor, a temporary service
17 firm, or an employee leasing entity) that em
18 ploys an individual to work at a covered facility
19 or to perform covered services.



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20 (B) EXCLUSION.-The term "covered em
21 ployer" does not include an individual who pri
22 vately employs, in the individual's residence, a
23 person to perform covered services for the indi
24 vidual or a family member of the individual



1 (4) COVERED EMPLOYEE .-The term " covered
2 employee" includes an individual employed by a cov-
3 ered employer to work at a covered facility or to per-
4 form covered services.

5 SEC. 103. REQUIREMENTS FOR WORKPLACE
6 VIOLENCE

7 PREVENTION STANDARD.

8 Each standard described in section 101 shall include,
9 at a minimum, the following requirements:

10 (1) WORKPLACE VIOLENCE PREVENTION

11 PLA.1 .-Not later than 6 months after the date of
12 promulgation of the interim final standard under
13 section 101(a), a covered employer shall develop, im-
14 plement, and maintain an effective written workplace
15 violence prevention plan for covered employees at
16 each covered facility and for covered employees per-
17 forming a covered service on behalf of such em-
18 player, which meets the following:

19 (A) PLAN DEVELOPMENT.-Each Plan

shall-



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20 (i) be developed and implemented vwith
21 the meaningful participation of direct care
22 employees, other employees, and employee
23 representatives, for all aspects of the Plan;
24 (ii) be tailored and specific to condi
25 tions and hazards for the covered facility



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1 or the covered service, including patient
2 specific risk factors and risk factors spe
3 cific to each work area or unit; and
4 (iii) be suitable for the size, com
5 plexity, and type of operations at the cov
6 ered facility or for the covered service, and
7 remain in effect at all times.

8 (B) PLAN CON'T'EN1'.-Each Plan shall in
9 clude procedures and methods for the following:

10 (i) Identification of the individual re
11 sponsible for implementation of the Plan.

12 (ii) ,With respect to each work area
13 and unit at the covered facility or while
14 covered employees are performing the cov
15 ered service, risk assessment and identi
16 fication of workplace violence risks and
17 hazards to employees eA1)0sed to such risks
18 and hazards (including environmental risk
19 factors and patient-specific risk factors),



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20 which shall be-

21 (I) informed by past violent inci

22 dents specific to such covered facility

23 or such covered service. and

24 (II) conducted with, at a mm-

25 1mum-



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1 (aa) direct care employees;
2 (bb) where applicable, the
3 representatives of such employ
4 ees. and
5 (cc) the employer.
6 (iii) Hazard prevention, engineering
7 controls, or work practice controls to cor
8 rect hazards, in a timely manner, applying
9 industrial hygiene principles of the hier
10 archy of controls, which-
11 (!) may include security and
12 alarm systems, adequate exit routes,
13 monitoring systems, barrier protec
14 tion, established areas for patients
15 and clients, lighting, entry procedures,
16 staffing and working in teams, and
17 systems to identify and flag clients
18 with a history of violence; and
19 (II) shall ensure that employers



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20 correct, in a timely manner, hazards
21 identified in any violent incident in
22 investigation described in paragraph (2)
23 and any annual report described in
24 paragraph (5).



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1 workplace violence hazards, threats, and
2 work practice controls, the employer's plan,
3 and procedures for confronting, responding
4 to, and reporting workplace violence
5 threats, incidents, and concerns, and em
6 ployee rights.

7 (vii) Procedures for-

8 (I) ensuring the coordination of
9 risk assessment efforts, Plan develop
10 ment, and implementation of the Plan
11 Virith other employers who have em
12 ployees who work at the covered facil
13 ity or who are performing the covered
14 senrice; and

15 (II) determining which covered
16 employer or covered employers shall
17 be responsible for implementing and
18 complying Virith the permissions of the
19 standard applicable to the working



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20 conditions over which such employers
21 have control.

22 (viii) Procedures for conducting the
23 annual evaluation under paragraph (6).

24 (C) AVAILABILITY OF PLAN.-



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1 (i) IN GENERAL.-Each Plan shall

2 be-

3 (I) made available at all times to

4 the covered employees who are cov

5 ered under such Plan; and

6 (II) to the extent possible,

7 emailed to each such employee upon

8 completion of the employee's annual

9 training under paragraph (3)(A).

10 (ii) RULE OF CONSTRUCTION.-Noth

11 ing in this sub paragraph shall be construed

12 to serve in lieu of training or any other re

13 quirements under this Act.

14 (2) VIOLENT INCIDENTS INVESTIGATION.-

15 (A) IN GENERAL.-As soon as practicable

16 after a work place violence incident, risk, or haz

17 ard of which a covered employer has knowledge,

18 the employer shall conduct an investigation of

19 such incident, risk, or hazard under which the



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20 employer shall-

21 (i) review the circumstances of the in

22 cident, risk, or hazard, and whether any

23 controls or measures implemented pursu

24 ant to the Plan of the employer were effec

25 tive; and



1 (ii) solicit input from involved employ-
2 ees, their representatives, and supervisors
3 about the cause of the incident, risk, or
4 hazard, and whether further corrective
5 measures (including system-level factors)
6 could have prevented the incident, risk, or
7 hazard.

8 (B) DOCUMENTATION.-A covered em-
9 ployer shall document the findings, rec-
10 ommendations, and corrective measures taken
11 for each investigation conducted under this
12 paragTaph.

13 (3) TRAINING A I D EDUCATION.-With respect
14 to the covered employees covered under a Plan of a
15 covered employer, the employer shall provide train-
16 ing and education to such employees who may be ex-
17 posed to viTorkplace violence hazards and risks, which
18 meet the follmving requirements:

19 (A) Annual training and education shall



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20 include information on the Plan, including iden-
21 tified workplace violence hazards, work practice
22 control measures, reporting procedures, record
23 keeping requirements, response procedures,
24 anti-retaliation policies, and employee rights.



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1 (B) Additional hazard recognition training
2 shall be provided for supervisors and managers
3 to ensure they-

4 (i) can recognize high-risk situations;
5 and

6 (ii) do not assign employees to situa
7 tions that predictably compromise the safe
8 ty of such employees.

9 (C) Additional training shall be provided
10 for each such covered employee whose job cir
11 cumstances have changed, within a reasonable
12 timeframe after such change.

13 (D) Additional training shall be provided
14 for each such covered employee whose job cir
15 cumstances require working with victims of tor
16 ture, trafficking, or domestic violence.

17 (E) Applicable training shall be provided
18 under this paragraph for each new covered em
19 ployee prior to the employee's job assignment.



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20 (F) All training shall provide such employ
21 ees opportunities to ask questions, give feed
22 back on training, and request additional m
23 struction, clarification, or other followup.
24 (G) All training shall be provided in-person
25 and by an individual -with knowledg·e of work-



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1 place violence prevention and of the Plan, ex-
2 cept that any annual training described in sub-
3 paragTaph (A) provided to an employee after
4 the first year such training is provided to such
5 employee may be conducted by live video if in-
6 person training is impracticable.

7 (H) All training shall be appropriate in
8 content and vocabulary to the language, edu-
9 cational level, and literacy of such covered em-
10 ployees.

11 (4) RECORDKEEPING AND ACCESS TO PLA
12 RECORDS.-

13 (A) IN GENERAL.-Each covered employer
14 shall-

15 (i) maintain for not less than 5
16 years-

17 (I) records related to each Plan
18 of the employer, including workplace
19 violence risk and hazard assessments,



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20 and identification, evaluation, correc-
21 tion, and training procedures;
22 (II) a violent incident log de-
23 scribed in subparagraph (B) for re-
24 cording all workplace violence inci-
25 dents; and



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1 (III) records of all incident inves-
2 tigations as required under paragraph
3 (2)(B); and
4 (ii)(I) make such records and logs
5 available, upon request, to covered employ
6 ees and their representatives for examina
7 tion and copying in accordance with sec
8 tion 1910.1020 of title 29, Code of Federal
9 Regulations (as such section is in effect on
10 the date of enactment of this Act), and in
11 a manner consistent with HIPAA privacy
12 regulations (defined in section 1180(b)(3)
13 of the Social Security Act (42 U.S.C.
14 1320d-9(b)(3))) and part 2 of title 42,
15 Code of Federal Regulations (as such part
16 is in effect on the date of enactment of this
17 Act); and
18 (II) ensure that any such records and
19 logs that may be copied, transmitted elec



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20 tronically, or otherwise removed from the
21 employer's control for purposes of this
22 clause omit any element of personal identi
23 fying information sufficient to allow identi
24 fication of any patient, resident, client, or
25 other individual alleged to have committed



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1 a violent incident (including the individ
2 ual's name, address, electronic mail ad
3 dress, telephone number, or social security
4 number, or other information that, alone
5 or in combination with other publicly avail
6 able information, reveals such individual's
7 identity).

8 (B) VIOLENT INCIDENT¹ LOG DESCRIP
9 TION.-Each violent incident log shall-

10 (i) be maintained by a covered em
11 ployer for each covered facility controlled
12 by the employer and for each covered serv
13 ice being performed by a covered employee
14 on behalf of such employer;

15 (ii) be based on a template developed
16 by the Secretary not later than 1 year
17 after the date of enactment of this Act;

18 (iii) include, at a minimum, a descrip
19 tion of-



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20 (I) the violent incident (including
21 environmental risk factors present at
22 the time of the incident);
23 (II) the date, time, and location
24 of the incident, and the names and
25 job titles of involved employees;



1 (III) the nature and extent of in-
2 juries to covered employees;
3 (IV) a classification of the perpe
4 trator who committed the violence, in
5 cluding virhether the perpetrator was
6 (aa) a patient, client, resi
7 dent, or customer of a covered
8 employer;
9 (bb) a family or friend of a
10 patient, client, resident, or cus
11 tomer of a covered employer;
12 (cc) a stranger;
13 (dd) a co'worker, supervisor,
14 or manager of a covered em
15 ployee;
16 (ee) a partner, spouse, par
17 ent, or relative of a covered em
18 ployee; or
19 (ff) any other appropriate



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20 classification;

21 (V) the type of violent incident

22 (such as type 1 violence, type 2 vio

23 lence, type 3 violence, or type 4 vio

24 lence); and



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1 (VI) how the incident was
2 abated;
3 (iv) not later than 7 days after the
4 employer learns of such incident, contain a
5 record of each violent incident, which is
6 updated to ensure completeness of such
7 record.
8 (v) be maintained for not less than 5
9 years; and
10 (vi) in the case of a violent incident
11 involving a privacy concern case, protect
12 the identity of employees in a manner con
13 sistent with section 1904.29(b) of title 29,
14 Code of Federal Regulations (as such sec
15 tion is in effect on the date of enactment
16 of this Act).
17 (C) fu NUAL SUMMARY.-
18 (i) COVERED EMPLOYERS.-Each cov
19 ered employer shall prepare an annual

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20 summary of each violent incident log for
21 the preceding calendar year that shall-
22 (!) with respect to each covered
23 facility, and each covered service, for
24 which such a log has been maintained,
25 include the total number of violent in



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1 cidents, the number of recordable in
2 juries related to such incidents, and
3 the total number of hours worked by
4 the covered employees for such pre
5 ceding year;
6 (II) be completed on a form pro
7 vided by the Secretary;
8 (III) be posted for 3 months be
9 ginning February 1 of each year in a
10 manner consistent with the require
11 ments of section 1904 of title 29,
12 Code of Federal Regulations (as such
13 section is in effect on the date of en
14 actment of this Act), relating to the
15 posting of summaries of in.jury and ill
16 ness logs;
17 (IV) be located in a conspicuous
18 place or places where notices to em
19 ployees are customarily posted; and



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20 (V) not be altered, defaced, or

21 covered by other material.

22 (ii) SECRETARY.-Not later than 1

23 year after the promulgation of the interim

24 final standard under section 101 (a), the

25 Secretary shall make available a platform



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1 for the electronic submission of annual
2 summaries required under this paragraph.

3 (5) ANNUAL REPORT.-Not later than Feb-
4 ruary 15 of each year, each covered employer shall
5 report to the Secretary, the frequency, quantity, and
6 severity of workplace violence, and any incident re-
7 sponse and post-incident investigation (including
8 abatement measures) for the incidents set forth in
9 the annual summary of the violent incident log de-
10 scribed in paragraph (4)(C). Not later than May 15
11 of each year, the Secretary shall provide to CongTess
12 a report containing statistical data with respect to,
13 and a summary of, reports submitted to the Sec-
14 retary under this paragTaph. r:rhe contents of the re-
15 port of the Secretary shall not disclose any confiden-
16 tial information.

17 (6) ANNUAL EVALUATION.-Each covered em-
18 ployer shall conduct an annual vvrritten evaluation,
19 conducted with the full, active participation of cov-
20 ered employees and employee representatives, of-
21 (A) the implementation and effectiveness
22 of the Plan, including a review of the violent in-
23 cident log; and



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1 B) compliance with training required by
2 each standard (described in section 101, and
3 specified in the Plan.

4 (7) PLA1 UPDA'rEs.-Each covered employer
5 shall incorporate changes to the Plan, in a manner
6 consistent with paragraph (1)(A)(i) and based on
7 findings from the most recent annual evaluation con-
8 ducted under paragraph (6), as appropriate.

9 (8) ANTI-RET.ALIATION.-

10 (A) POLICY.-Each covered employer shall
11 adopt a policy prohibiting any person (including
12 an agent of the employer) from discriminating
13 or retaliating against any employee for report-
14 ing, or seeking assistance or intervention from,
15 a workplace violence incident, threat, or concern
16 to the employer, law enforcement, local emer-
17 gency services, or a government agency, or par-
18 ticipating in an incident investigation.

19 (B) PROHIBITION.-No covered employer



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20 shall discriminate or retaliate against any em-
21 ployee for-
22 (i) reporting a workplace violence inci-
23 dent, threat, or concern to, or seeking as-
24 sistance or intervention with respect to
25 such incident, threat, or concern from, the



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1 employer, law enforcement, local emer
2 gency services, or a local, State, or Federal
3 government agency; or
4 (ii) exercising any other rights under
5 this paragraph.

6 (C) ENFORCEMENT.-This paragraph shall
7 be enforced in the same manner and to the
8 same extent as any standard promulgated
9 under section 6(b) of the Occupational Safety
10 and Health Act (29 U.S.C. 655(b)).

11 SEC. 104. RULES OF CONSTRUCTION.

12 Notwithstanding section 18 of the Occupational Safe-
13 ty and Health Act of 1970 (29 U.S.C. 667)-

14 (1) nothing in this title shall be construed to
15 curtail or limit authority of the Secretary under any
16 other provision of the law;

17 (2) the rights, privileges, or remedies of covered
18 employees shall be in addition to the rights, privi-
19 leges, or remedies provided under any Federal or



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20 State law, or any collective bargaining agreement;
21 (3) nothing in this Act shall be construed to
22 limit or prevent health care workers, social service
23 workers, and other personnel from reporting violent
24 incidents to appropriate law enforcement; and



1 (4) nothing in this Act shall be construed to
2 limit or diminish any protections in relevant Federal,
3 State, or local law related to-

4 (A) domestic violence;

5 (B) stalking;

6 (C) dating violence; and

7 (D) sexual assault.

8 SEC. 105. OTHER DEFINITIONS.

9 In this title:

10 (1) WORKPLACE VIOLENCE.-

11 (A) IN GENERAL.-The term "workplace
12 violence" means any act of violence or threat of
13 violence, without regard to intent, that occurs
14 at a covered facility or while a covered employee
15 performs a covered service.

16 (B) EXCLUSIONS.-The term "workplace
17 violence" does not include la-wwful acts of self-de
18 fense or lawful acts of defense of others.

19 (C) INCLUSIONS.-The term "workplace



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20 violence" includes-

21 (i) the threat or use of physical force

22 against a covered employee that results in

23 or has a high likelihood of resulting· in in

24 jury, psychological trauma, or stress, with

25 out regard to whether the covered em-



1 ployee sustains an rnJury, psychological
2 trauma, or stress; and
3 (ii) an incident involving the threat or
4 use of a firearm or a dangerous weapon,
5 including the use of common objects as
6 weapons, without regard to whether the
7 employee sustains an IIJury, psychological
8 trauma, or stress.

9 (2) TYPE 1 VIOLENCE.-The term "type 1 vio-
10 lence"-

11 (A) means workplace violence directed at a
12 covered employee at a covered facility or while
13 performing a covered service by an individual
14 who has no legitimate business at the covered
15 facility or with respect to such covered service;
16 and

17 (B) includes violent acts by any individual
18 who enters the covered facility or worksite
19 where a covered service is being performed with



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20 the intent to commit a crime.

21 (3) **TYPE 2 VIOLENCE.**-The term "type 2 vio-
22 Jenee" means workplace violence directed at a cov-
23 ered employee by customers, clients, patients, stu-
24 dents, inmates, or any individual for whom a covered



1 facility provides services or for whom the employee
2 performs covered services.

3 (4) TYPE 3 VIOLENCE.-The term "type 3 vio-
4 lence" means workplace violence directed at a cov-
5 ered employee by a present or former employee, su-
6 perv1sor, or manager.

7 (5) TYPE 4 VIOLENCE.-The term "type 4 vio-
8 lence" means workplace violence directed at a cov-
9 ered employee by an individual -who is not an em-
10 ployee, but has or is known to have had a personal
11 relationship with such employee, or Virith a customer,
12 client, patient, student, inmate, or any individual for
13 whom a covered facility provides services or for
14 -whom the employee performs covered senrices.

15 (6) THREAT OF VIOLENCE.-The term "threat
16 of violence" means a statement or conduct that-
17 (A) causes an indhridual to fear for such
18 individual's safety because there is a reasonable
19 possibility the indhridual might be physically in-



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20 jured; and

21 (B) serves no legitimate purpose.

22 (7) ALARM.-The term "alarm" means a me-

23 chanical, electrical, or electronic device that does not

24 rely upon an employee's vocalization in order to alert



1 (8) DANGEROUS WEAPON.-The term "dan-
2 gerous weapon" means an instrument capable of in-
3 flicting death or serious bodily injury, without re-
4 gard to whether such instrument was designed for
5 that purpose.

6 (9) ENGINEERING CONTROLS.-

7 (A) IN GENERAL.-The term "engineering
8 controls" means an aspect of the built space or
9 a device that removes a hazard from the work-
10 place or creates a barrier between a covered
11 employee and the hazard.

12 (B) INCLUSIONS.-For purposes of reduc-
13 ing workplace violence hazards, the term "engi-
14 neering controls" includes electronic access con-
15 trols to employee occupied areas, weapon detec-
16 tors (installed or handheld), enclosed work-
17 stations --with shatter-resistant glass, deep serv-
18 ice counters, separate rooms or areas for high-
19 risk patients, locks on doors, removing access to



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20 or securing items that could be used as weap-
21 ons, furniture affixed to the floor, opaque glass
22 in patient rooms (which protects privacy, but
23 allows the health care provider to see where the
24 patient is before entering the room), closed-cir-



1 cuit television monitoring and video recording,
2 sight-aids, and personal alarm devices.

3 (10) ENVIRONMENT.AL RISK FACTORS.-

4 (A) IN GENERAL.-The term "environ

5 mental risk factors" means factors in the cov

6 ered facility or area in which a covered service

7 is performed that may contribute to the likeli

8 hood or severity of a workplace violence inci

9 dent.

10 (B) CLARIFICA'rION.-Environmental risk

11 factors may be associated Virith the specific task

12 being performed or the vwork area, such as

13 working in an isolated area, poor illumination

14 or blocked visibility, and lack of physical bar

15 riers between individuals and persons at risk of

16 committing workplace violence.

17 (11) PATIENT-SPECIFIC RISK FACTORS.-rllhe

18 term "patient-specific risk factors" means factors

19 specific to a patient that may increase the likelihood



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20 or severity of a workplace violence incident, includ
21 mg-
22 (A) a patient's treatment and medication
23 status, and history of violence and use of drugs
24 or alcohol. and



1 (B) any conditions or disease processes of
2 the patient that may cause the patient to e2,.._1)e
3 rience confusion or disorientation, be non-re
4 sponsive to instruction, behave unpredictably, or
5 engage in disruptive, threatening, or violent be
6 havior.

7 (12) SECRETARY.-The term "Secretary"
8 means the Secretary of Labor.

9 (13) WORK PRACTICE CONTROLS.-

10 (A) IN GENERAL.-The term "work prac
11 tice controls" means procedures and rules that
12 are used to effectively reduce workplace violence
13 hazards.

14 (B) INCLUSIONS.-The term "work prac
15 tice controls" includes-

16 (i) assigning and placing sufficient
17 numbers of staff to reduce patient-specific
18 Type 2 workplace violence hazards;

19 (ii) provision of dedicated and avail



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- 20 able safety personnel such as security
- 21 guards;
- 22 (iii) employee training on workplace
- 23 violence prevention methods and tech
- 24 niques to de-escalate and minimize violent
- 25 behavior; and



1 (iv) employee training on procedures
2 for response in the event of a workplace vi
3 olence incident and for post-incident re-
4 sponse.

5 TITLE II-AMENDMENTS TO THE
6 SOCIAL SECURITY ACT

7 SEC. 201. APPLICATION OF THE WORKPLACE
8 VIOLENCE

9 PREVENTION STANDARD TO CERTAIN FACILI
10 TIES RECEIVING MEDICARE FUNDS.

11 (a) IN GEJ\TERAL.-Section 1866 of the Social Secu-
12 rity Act (42 U.S.C. 1395cc) is amended-

13 (1) in subsection (a)(l)-

14 (A) in subparagraph (X), by striking

15 "and" at the end;

16 (B) in subparagraph (Y), by striking at

17 the end the period and inserting "; and"; and

18 (C) by inserting after subparagraph (Y)

19 the following new subparagraph:

20 "(Z) in the case of hospitals that are not other-



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20 wise subject to the Occupational Safety and Health
21 Act of 1970 (or a State occupational safety and
22 health plan that is approved under 18(b) of such
23 Act) and skilled nursing facilities that are not other-
24 wise subject to such Act (or such a State occupa-
25 tional safety and health plan), to comply with the



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1 Workplace Violence Prevention Standard (as pro-
2 mulgated under section 101 of the Workplace Vio-
3 lence Prevention for Health Care and Social Service
4 Workers Act)."; and

5 (2) in subsection (b)(4)-

6 (A) in subparagTaph (A), by inserting

7 "and a hospital or skilled nursing facility that

8 fails to comply with the requirement of sub-

9 section (a)(1)(Z) (relating to the "\i\Torkplace Vi-

10 olence Prevention Standard)" after

11 "Bloodborne Pathogens standard>"; and

12 (B) in subparagTaph (B)-

13 (i) by striking "(a)(1)(U)" and insert-

14 ing "(a)(1)(V)"; and

15 (ii) by inserting " (or, in the case of a

16 failure to comply 'Nith the requirement of

17 subsection (a)(1)(Z), for a violation of the

18 Workplace Violence Prevention standard

19 referred to in such subsection by a hospital



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20 or skilled nursing facility, as applicable,
21 that is subject to the provisions of such
22 Act)" before the period at the end.

23 (b) EFFECTIVE DATE.-The amendments made by
24 subsection (a) shall apply beginning on the date that is
25 1 year after the date of issuance of the interim final
stand-



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20 or skilled nursing facility, as applicable,
21 that is subject to the provisions of such
22 Act)" before the period at the end.

23 (b) EFFECTIVE DATE.-'11he amendments made by
24 subsection (a) shall apply beginning on the date that is
25 1 year after the date of issuance of the interim final
stand-