

# HOUSE BILL 774

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CF SB 804

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By: **Delegates Hucker, Barkley, Jameson, A. Kelly, Kramer, Love, McHale, and Vaughn**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Health Care Facilities – Workplace Violence**  
3 **Prevention Program**

4 FOR the purpose of requiring a certain health care facility, on or before a certain date,  
5 to establish a certain workplace violence prevention committee; requiring the  
6 workplace violence prevention committee, on or before a certain date, to  
7 establish a certain workplace violence prevention program; requiring a  
8 workplace violence prevention program to include certain components; requiring  
9 the Department of Labor, Licensing, and Regulation, on or before a certain date,  
10 to adopt certain regulations; defining certain terms; and generally relating to  
11 the workplace violence prevention programs of health care facilities.

12 BY adding to

13 Article – Labor and Employment  
14 Section 5–1101 through 5–1103 to be under the new subtitle “Subtitle 11.  
15 Health Care Facilities – Workplace Violence Prevention Program”  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2012 Supplement)

18 Preamble

19 WHEREAS, Violence is a problem in many health care settings in the State and  
20 across the nation and, although violence is an increasing problem for many workers,  
21 health care workers are at particularly high risk; and

22 WHEREAS, According to a 2010 study by the U.S. Bureau of Labor Statistics,  
23 violence in the Maryland health care and social assistance industry accounts for 72%  
24 of workplace assaults; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The actual incidence of violence is likely higher than reported for  
2 several reasons, including inadequate reporting mechanisms and because victims  
3 underreport incidents out of fear of reprisal, isolation, and shame; and

4 WHEREAS, Violence against health care workers exacts a significant toll on  
5 victims, their co-workers, patients, families, health care facilities, and visitors to  
6 health care facilities; and

7 WHEREAS, Workers' compensation and insurance claims, lost productivity,  
8 disruptions to operations, legal expenses, and property damage are only a few of the  
9 negative effects that workplace violence has on health care facilities; and

10 WHEREAS, Health care professionals who leave their occupations because of  
11 assaults or threats of assault contribute to the significant problems of recruitment,  
12 retention, and shortage of health care workers; and

13 WHEREAS, It is possible to reduce and mitigate the effects of violence in health  
14 care facilities through employer-based violence prevention programs; now, therefore,

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Labor and Employment**

18 **SUBTITLE 11. HEALTH CARE FACILITIES – WORKPLACE VIOLENCE**  
19 **PREVENTION PROGRAM.**

20 **5–1101.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(B) “HEALTH CARE FACILITY” MEANS A HOSPITAL OR RELATED**  
24 **INSTITUTION.**

25 **(C) “HEALTH CARE WORKER” MEANS AN INDIVIDUAL EMPLOYED BY A**  
26 **HEALTH CARE FACILITY.**

27 **(D) “HOSPITAL” HAS THE MEANING STATED IN § 19–301 OF THE**  
28 **HEALTH – GENERAL ARTICLE.**

29 **(E) “RELATED INSTITUTION” HAS THE MEANING STATED IN § 19–301 OF**  
30 **THE HEALTH – GENERAL ARTICLE.**

1           **(F) “WORKPLACE VIOLENCE” MEANS ANY PHYSICAL ASSAULT,**  
2 **THREATENING BEHAVIOR, OR VERBAL ABUSE COMMITTED BY A PATIENT IN A**  
3 **HEALTH CARE FACILITY AGAINST A HEALTH CARE WORKER.**

4 **5–1102.**

5           **(A) ON OR BEFORE AUGUST 1, 2014, A HEALTH CARE FACILITY SHALL**  
6 **ESTABLISH A WORKPLACE VIOLENCE PREVENTION COMMITTEE TO ESTABLISH**  
7 **AND ADMINISTER A WORKPLACE VIOLENCE PREVENTION PROGRAM.**

8           **(B) THE WORKPLACE VIOLENCE PREVENTION COMMITTEE**  
9 **ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMPOSED**  
10 **OF AN EQUAL NUMBER OF EMPLOYEES WHO WORK IN MANAGEMENT AND**  
11 **EMPLOYEES WHO DO NOT WORK IN MANAGEMENT.**

12 **5–1103.**

13           **(A) ON OR BEFORE OCTOBER 1, 2014, THE WORKPLACE VIOLENCE**  
14 **PREVENTION COMMITTEE SHALL ESTABLISH A WORKPLACE VIOLENCE**  
15 **PREVENTION PROGRAM THAT IS APPROPRIATE FOR THE SIZE AND COMPLEXITY**  
16 **OF THE HEALTH CARE FACILITY.**

17           **(B) THE WORKPLACE VIOLENCE PREVENTION PROGRAM ESTABLISHED**  
18 **UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

19                   **(1) A WRITTEN POLICY DESCRIBING HOW THE HEALTH CARE**  
20 **FACILITY PROVIDES FOR THE SECURITY OF HEALTH CARE WORKERS;**

21                   **(2) AN ANNUAL ASSESSMENT TO:**

22                           **(I) IDENTIFY HAZARDS, CONDITIONS, OPERATIONS, AND**  
23 **SITUATIONS THAT COULD LEAD TO WORKPLACE VIOLENCE; AND**

24                           **(II) BE USED TO DEVELOP RECOMMENDATIONS TO REDUCE**  
25 **THE RISK OF WORKPLACE VIOLENCE;**

26                   **(3) A PROCESS FOR REPORTING, RESPONDING TO, AND TRACKING**  
27 **INCIDENCES OF WORKPLACE VIOLENCE; AND**

28                   **(4) REGULAR WORKPLACE VIOLENCE PREVENTION TRAINING FOR**  
29 **HEALTH CARE WORKERS.**

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1           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1,  
2 2014, the Department of Labor, Licensing, and Regulation shall adopt regulations to  
3 implement the provisions of Section 1 of this Act.

4           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2013.