

# SENATE BILL 483

K3, J3

4lr2130  
CF HB 710

---

By: **Senators Klausmeier, Feldman, and King**

Introduced and read first time: January 27, 2014

Assigned to: Finance

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2014

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Labor and Employment – Nursing Homes and Health Care Facilities –**  
3 **Workplace ~~Violence Prevention~~ Safety Assessment and Safety Program**

4 FOR the purpose of requiring certain nursing homes to assign to a certain committee  
5 the task of conducting an annual assessment of workplace safety issues and  
6 making certain recommendations; requiring, in conducting a certain annual  
7 assessment, a certain committee to consult certain employees of the nursing  
8 home; requiring a certain health care facility to establish a certain workplace  
9 ~~violence prevention~~ safety committee; requiring the workplace ~~violence~~  
10 ~~prevention~~ safety committee to establish a certain workplace ~~violence~~  
11 ~~prevention~~ safety program; requiring a workplace ~~violence prevention~~ safety  
12 program to include certain components; providing for the application of certain  
13 provisions of this Act; defining certain terms; and generally relating to the  
14 workplace ~~violence prevention~~ safety assessments and safety programs of  
15 nursing homes and health care facilities.

16 BY adding to

17 Article – Health – General

18 Section 19–1410.2

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2013 Supplement)

21 BY adding to

22 Article – Labor and Employment

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 5–1101 through 5–1103 to be under the new subtitle “Subtitle 11.  
Health Care Facilities – Workplace ~~Violence Prevention~~ Safety Program”  
Annotated Code of Maryland  
(2008 Replacement Volume and 2013 Supplement)

Preamble

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

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

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

WHEREAS, ~~Violence against health~~ Health care workers being injured on the job exacts a significant toll on victims, their co-workers, patients, families, health care facilities, and visitors to health care facilities; and

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

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

WHEREAS, It is possible to reduce and mitigate the ~~effects of violence~~ risk of injury in health care facilities through employer-based ~~violence prevention~~ workplace safety programs; now, therefore,

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

Article – Health – General

19–1410.2.

(A) IN THIS SECTION, “WORKPLACE SAFETY” MEANS THE PREVENTION OF ANY PHYSICAL ASSAULT OR THREATENING BEHAVIOR AGAINST AN EMPLOYEE IN A NURSING HOME.

1       **(B) THIS SECTION APPLIES TO NURSING HOMES THAT ARE LICENSED**  
2 **FOR 45 BEDS OR MORE.**

3       **(C) EACH NURSING HOME SHALL ASSIGN TO AN APPROPRIATE**  
4 **COMMITTEE THE TASK OF:**

5               **(1) CONDUCTING AN ANNUAL ASSESSMENT OF WORKPLACE**  
6 **SAFETY ISSUES; AND**

7               **(2) MAKING RECOMMENDATIONS TO THE NURSING HOME FOR**  
8 **REDUCING WORKPLACE INJURIES.**

9       **(D) IN CONDUCTING AN ANNUAL ASSESSMENT OF WORKPLACE SAFETY**  
10 **ISSUES, THE COMMITTEE ASSIGNED TO CONDUCT THE ASSESSMENT UNDER**  
11 **SUBSECTION (C)(1) OF THIS SECTION SHALL CONSULT WITH GERIATRIC**  
12 **NURSING ASSISTANTS AND OTHER EMPLOYEES OF THE NURSING HOME WHO**  
13 **ARE INVOLVED IN ASSISTING RESIDENTS WITH ACTIVITIES OF DAILY LIVING.**

14                               **Article – Labor and Employment**

15               **SUBTITLE 11. HEALTH CARE FACILITIES – WORKPLACE ~~VIOLENCE~~**  
16 **~~PREVENTION~~ SAFETY PROGRAM.**

17 **5–1101.**

18       **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20       **(B) (1) “HEALTH CARE FACILITY” MEANS ~~A~~:**

21               **(I) A HOSPITAL ~~OR RELATED INSTITUTION~~; OR**

22               **(II) A STATE RESIDENTIAL CENTER.**

23       **(2) “HEALTH CARE FACILITY” INCLUDES:**

24               **(I) A SUBACUTE CARE UNIT OF A HOSPITAL; AND**

25               **(II) A STATE–OPERATED HOSPITAL.**

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

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

~~(E) "RELATED INSTITUTION" HAS THE MEANING STATED IN § 19-301 OF THE HEALTH - GENERAL ARTICLE.~~

(E) "STATE RESIDENTIAL CENTER" HAS THE MEANING STATED IN § 7-101 OF THE HEALTH - GENERAL ARTICLE.

~~(F) "WORKPLACE VIOLENCE SAFETY" MEANS THE PREVENTION OF ANY PHYSICAL ASSAULT, OR THREATENING BEHAVIOR, OR VERBAL ABUSE COMMITTED BY A PATIENT IN A HEALTH CARE FACILITY AGAINST A HEALTH CARE WORKER IN A HEALTH CARE FACILITY.~~

5-1102.

(A) A HEALTH CARE FACILITY SHALL ESTABLISH A WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY COMMITTEE TO ESTABLISH AND ADMINISTER A WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY PROGRAM.

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

5-1103.

(A) THE WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY COMMITTEE SHALL ESTABLISH A WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY PROGRAM THAT IS APPROPRIATE FOR THE SIZE AND COMPLEXITY OF THE HEALTH CARE FACILITY.

(B) THE WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) A WRITTEN POLICY DESCRIBING HOW THE HEALTH CARE FACILITY PROVIDES FOR THE ~~SECURITY~~ SAFETY OF HEALTH CARE WORKERS;

(2) AN ANNUAL ASSESSMENT TO:

(I) IDENTIFY HAZARDS, CONDITIONS, OPERATIONS, AND SITUATIONS THAT COULD LEAD TO WORKPLACE ~~VIOLENCE~~ INJURIES; AND

(II) BE USED TO DEVELOP RECOMMENDATIONS TO REDUCE THE RISK OF WORKPLACE ~~VIOLENCE~~ INJURIES;

1                   **(3) A PROCESS FOR REPORTING, RESPONDING TO, AND TRACKING**  
2 **INCIDENCES OF WORKPLACE ~~VIOLENCE~~ INJURIES; AND**

3                   **(4) REGULAR WORKPLACE ~~VIOLENCE PREVENTION~~ SAFETY**  
4 **TRAINING FOR HEALTH CARE WORKERS.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6   October 1, 2014.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.