

# Chapter 510

(Senate Bill 483)

AN ACT concerning

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

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

BY adding to

Article – Health – General  
Section 19-1410.2  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Labor and Employment  
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.**

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

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

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

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

**(D) IN CONDUCTING AN ANNUAL ASSESSMENT OF WORKPLACE SAFETY ISSUES, THE COMMITTEE ASSIGNED TO CONDUCT THE ASSESSMENT UNDER**

SUBSECTION (C)(1) OF THIS SECTION SHALL CONSULT WITH GERIATRIC NURSING ASSISTANTS AND OTHER EMPLOYEES OF THE NURSING HOME WHO ARE INVOLVED IN ASSISTING RESIDENTS WITH ACTIVITIES OF DAILY LIVING.

Article – Labor and Employment

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

5-1101.

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

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

(I) A HOSPITAL OR RELATED INSTITUTION; OR

(II) A STATE RESIDENTIAL CENTER.

(2) “HEALTH CARE FACILITY” INCLUDES:

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

(II) A STATE-OPERATED HOSPITAL.

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

(D) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THE 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;

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

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

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

Approved by the Governor, May 15, 2014.