

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.