



### H.R. 1195, Health-Workplace Violence Rule

#### OVERVIEW

The House this week is expected to vote on a bill, the *Workplace Violence Prevention for Health Care and Social Service Workers Act* (H.R. 1195), a bill that requires the Labor Department to issue a standard requiring health care and social service employers to implement workplace violence prevention plans. The bill would define workplace violence as any act or threat of force against an employee that could result in a physical injury, psychological trauma, or stress. It also would include any act where a firearm or an improvised weapon was used.

#### BACKGROUND

OSHA currently doesn't require employers to implement workplace violence prevention programs. It provides voluntary guidelines, which were last updated in 2015, and can cite employers for failing to provide a work environment free from serious hazards. Ten states have laws or regulations that include workplace violence prevention requirements in the health care sector, according to the committee report. Only two, Illinois and New York, cover certain social service workers who work in a clinical setting or who are public employees.

The Obama administration proposed a [rule](#) in 2016 to create a workplace violence prevention standard for health care and social services, but progress has largely stalled since then, according to the report.

#### MAJOR PROVISIONS

##### Employer Requirements

Employers would be required to implement a workplace violence prevention plan for covered employees within six months of the interim standard being issued. Each plan would have to be developed with meaningful participation of employees and address specific conditions at a covered facility. Plans would include procedures for:

- Identifying environmental and patient-specific risks to employees.
- Implementing engineering or work practice controls to address hazards, such as security systems, weapon detectors, entry procedures, and adequate exit routes.
- Reporting, responding to, and investigating incidents.
- Training employees on workplace violence and coordinating with other employers who have employees at the facility.

Employers would have to conduct a timely investigation of each violent incident and document the findings and corrective measures taken. They also would have to provide



annual training to employees and additional training for supervisors to recognize high-risk situations.

An employer would have to retain records related to its plan, violent incident logs, and investigations for at least five years.

Employers would be prohibited from discriminating or retaliating against an employee for reporting a violent incident. The measure couldn't be construed to limit or prevent health-care and social service workers from reporting violent incidents to law enforcement.

### **Workplace Violence Prevention Standard**

The Labor Department would be required to issue, within one year of the bill's enactment, an interim final standard requiring certain employers in the health-care and social service sectors to implement a plan to protect employees from workplace violence based on OSHA's 2015 [guidelines](#).

The department would have to provide notice of the interim standard in the Federal Register and allow a 30-day public comment period. The interim final standard would be exempt from [Executive Order 12866](#), which directs agencies to conduct cost-benefit analyses of regulations and submit "significant regulatory actions" to the Office of Information and Regulatory Affairs for review.

The standard would apply to a range of settings, including hospitals, residential treatment facilities, clinics at correctional facilities, community care settings, and federal health-care facilities. It wouldn't include any doctor or dentist's office that isn't physically located in a covered facility.

The standard also would cover field work settings, such as home-based hospice and social work, as well as emergency and transport services. It wouldn't include child day care services.

It would cover directly hired, contracted, subcontracted, and temporary employees who work at those settings or perform those services. Employees privately hired by individuals to perform health services in their residence would be excluded.

### **Enforcement**

Hospitals and skilled nursing facilities that aren't subject to federal or state occupational safety and health plans would have to comply with the workplace violence standard to receive Medicare funding. The requirement would take effect one year after the interim standard is issued.

Facilities that don't comply could be subject to civil penalties.