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H.74

Introduced by Representatives Pugh of South Burlington, French of Randolph,  
McFaun of Barre Town, and Mrowicki of Putney

Referred to Committee on

Date:

Subject: Human services; social and mental health workers; safety protocols

Statement of purpose of bill as introduced: This bill proposes to require  
departments and programs within or under contract with the Agency of Human  
Services to create safety protocols for social workers, mental health workers,  
volunteers, interns, and all other employees providing direct services to clients.

~~An act relating to safety protocols for social and mental health workers~~

*An act relating to safety policies for employees delivering direct social or  
mental health services*

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 33 V.S.A. chapter 80 is added to read.~~

CHAPTER 80. SAFETY PROVISIONS FOR WORKERS

§ 8001. SAFETY PROTOCOLS FOR SOCIAL AND MENTAL HEALTH

WORKERS

(a) The Agency of Human Services shall require that programs providing  
direct services to clients and that are administered, licensed, certified, or

1 ~~funded in part by the Agency or a department of the Agency establish a~~  
2 violence prevention and crisis response protocol for the benefit of social  
3 workers, mental health workers, volunteers, interns, and all other employees  
4 working directly with clients.

5 (b) A program annually shall assess work-related factors that may put  
6 social workers, mental health workers, volunteers, interns, and all other  
7 employees at risk of violence in the course of their work-related duties. Each  
8 program director or his or her designee shall consider the following factors:

9 (1) work conducted outside normal business hours;

10 (2) work conducted alone;

11 (3) home or community visits;

12 (4) appropriate staffing ratios;

13 (5) health and safety training;

14 (6) requirements regarding notification, including guidelines for  
15 notifying others of the workers' whereabouts;

16 (7) use of technology, and types of technology that should be provided  
17 to workers;

18 (8) work conducted with people in crisis; and

19 (9) work conducted with people with known histories of violent  
20 behavior.

1 ~~(c)(1) Based on the annual assessment conducted pursuant to subsection (b)~~

2 of this section, and after consulting with affected workers, each program  
3 director or his or her designee shall create a program-specific protocol that  
4 addresses the safety of the social workers, mental health workers, volunteers,  
5 interns, and all other employees in the course of their work-related duties.

6 Each protocol shall contain:

7 (A) a system to record all incidents of work-related violence or  
8 threats of work-related violence against social workers, mental health workers,  
9 volunteers, interns, and all other employees; and

10 (B) written violence prevention and crisis response provisions that  
11 include measures the program intends to take to respond to any incident of  
12 work-related violence against social workers, mental health workers,  
13 volunteers, interns, and all other employees.

14 (2) The program director or his or her designee shall:

15 (A) provide each employee with a copy of the violence prevention  
16 and crisis response protocol;

17 (B) annually train social workers, mental health workers, volunteers,  
18 interns, and all other employees about work-related violence and ways to  
19 reduce risks; and

20 (C) develop and maintain a violence prevention and response team to  
21 monitor ongoing compliance with the violence prevention and crisis response

1 ~~protocol and to assist any social workers, mental health workers, volunteers,~~  
2 interns, and all other employees victimized by or threatened with work-related  
3 violence.

4 (d) Incident records kept pursuant to subdivision (c)(1)(A) of this section  
5 shall include the following:

6 (1) name and address of the program;

7 (2) date, time, and specific location of the program's facility where the  
8 incident occurred;

9 (3) whether the victim was a patient, visitor, or employee of the  
10 program;

11 (4) name, job title, department or assignment, and staff identification  
12 number of the victim, if an employee;

13 (5) whether the person causing the incident was a patient, visitor, or  
14 employee of the program;

15 (6) classification of the incident as one of the following:

16 (A) threat of assault with no physical contact;

17 (B) physical assault with contact but no physical injury;

18 (C) physical assault with mild soreness, surface abrasions, scratches,  
19 or small bruises;

20 (D) physical assault with major soreness, scratches, cuts, or large  
21 bruises;

1 ~~(E) physical assault with severe lacerations, one or more bone~~

2 fractures, or a head injury; or

3 (F) physical assault with loss of limb or death resulting;

4 (7) identification of any injured body part;

5 (8) description of any weapon used;

6 (9) number of program employees in the vicinity when the incident  
7 occurred;

8 (10) description of actions taken by employees involved or in the  
9 vicinity of the incident; and

10 (11) the program's response to the incident.

11 (e) Incident records kept pursuant to subdivision (c)(1)(A) of this section  
12 shall be maintained by the program for at least five years following an  
13 incident, during which time they shall be available to the Secretary of Human  
14 Services or his or her designee for inspection upon request.

15 Sec. 2. 18 V.S.A. § 7114 is added to read:

16 § 7114. SAFETY PROTOCOLS FOR SOCIAL AND MENTAL HEALTH  
17 WORKERS

18 Programs providing direct services to clients and that are administered,  
19 licensed, certified, or funded in part by the Agency of Human Services or a  
20 department of the Agency must establish a violence prevention and crisis  
21 ~~response protocol for the benefit of social workers, mental health workers,~~

1 ~~volunteers, interns, and all other employees working directly with clients,~~

2 ~~pursuant to 33 V.S.A. § 8001.~~

3 ~~Sec. 3. EFFECTIVE DATE~~

4 ~~This act shall take effect on July 1, 2015.~~

*Sec. 1. 33 V.S.A. chapter 82 is added to read:*

CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH  
WORKERS

(a)(1) The Agency of Human Services and each department of the Agency shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees working directly with clients.

(2) The Agency shall ensure that its contracts with providers that directly serve clients and that are administered or designated by a department of the Agency require the providers to establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees working directly with clients.

(b) A written workplace violence prevention and crisis response policy prepared with input from employees working directly with clients shall minimally include the following:

~~(1) measures the program intends to take to respond to an incident of or credible threat of workplace violence against employees providing direct services to clients;~~

~~(2) a system for centrally recording all incidents of or credible threats of workplace violence against employees providing direct services to clients;~~

~~(3) a training program to educate employees providing direct services to clients about workplace violence and ways to reduce the risks; and~~

~~(4) the development and maintenance of a violence prevention and response committee that includes employees working directly with clients to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees providing direct services to clients.~~

~~(c) In preparing the written violence prevention and crisis response policy required by this section, the Agency, each department of the Agency, and providers identified in subdivision (a)(2) of this section shall ensure the policy is consistent with the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers or any subsequently adopted federal regulations or State rules governing workplace safety.~~

~~(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and~~

~~prevention response committee and provided to employees who work directly  
with clients.~~

~~(e) The requirements of this section shall neither be construed as a waiver  
of sovereign immunity by the State, nor as creating any private right of action  
against the State for damages resulting from failure to comply with this  
section.~~

~~Sec. 2. 18 V.S.A. § 7114 is added to read:~~

~~§ 7114. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH  
WORKERS~~

~~(a) The Agency of Human Services and each department of the Agency  
shall establish and maintain a workplace violence prevention and crisis  
response policy for the benefit of employees working directly with clients  
pursuant to 33 V.S.A. § 8201.~~

~~(b) The Agency shall ensure that its contracts with providers described in  
33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a  
written workplace violence prevention and crisis response policy for the  
benefit of employees working directly with clients pursuant to 33 V.S.A.  
§ 8201.~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on January 1, 2017.~~

~~Sec. 1. 33 V.S.A. chapter 82 is added to read:~~



CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT

SOCIAL SERVICES

(a)(1) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social services.

(2) The Secretary shall ensure that its contracts with providers whose employees deliver direct social services and that are administered or designated but not otherwise licensed by a department of the Agency include the requirement that providers establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social services.

(b) A written workplace violence prevention and crisis response policy prepared with input from employees delivering direct social services shall minimally include the following:

(1) measures the program intends to take to respond to an incident of or credible threat of workplace violence against employees delivering direct social services;

~~(2) a system for centrally recording all incidents of or credible threats of workplace violence against employees delivering direct social services;~~

~~(3) a training program to educate employees delivering direct social services about workplace violence and ways to reduce the risks; and~~

~~(4) the development and maintenance of a violence prevention and response committee that includes employees delivering direct social services to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees delivering direct social services.~~

~~(c) In preparing the written violence prevention and crisis response policy required by this section, the Secretary and providers identified in subdivision (a)(2) of this section shall consult the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers as amended.~~

~~(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and prevention response committee and provided to employees delivering direct social services.~~

~~(e) The requirements of this section shall neither be construed as a waiver of sovereign immunity by the State, nor as creating any private right of action against the State for damages resulting from failure to comply with this section.~~

~~Sec. 2. 18 V.S.A. § 7114 is added to read:~~

~~§ 7114. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT  
SOCIAL SERVICES~~

~~(a) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a workplace violence prevention and crisis response policy for the benefit of employees delivering direct social services pursuant to 33 V.S.A. § 8201.~~

~~(b) The Secretary shall ensure that its contracts with providers described in 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a written workplace violence prevention and crisis response policy for the benefit of employees delivering direct social services pursuant to 33 V.S.A. § 8201.~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on January 1, 2017.~~

Sec. 1. 33 V.S.A. chapter 82 is added to read:

CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT

SOCIAL OR MENTAL HEALTH SERVICES

(a)(1) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the

requirements of this chapter in place for the benefit of employees delivering direct social or mental health services.

(2) The Secretary shall ensure that the Agency's contracts with providers whose employees deliver direct social or mental health services and that are administered or designated but not otherwise licensed by a department of the Agency include the requirement that providers establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social or mental health services.

(b) A written workplace violence prevention and crisis response policy prepared with input from an employee delivering direct social or mental health services shall minimally include the following:

(1) measures the provider intends to take to respond to an incident of or credible threat of workplace violence against an employee delivering direct social or mental health services;

(2) a system for centrally recording all incidents of or credible threats of workplace violence against an employee delivering direct social or mental health services;

(3) a training program to educate employees delivering direct social or mental health services about workplace violence and ways to reduce the risks; and

(4) the development and maintenance of a violence prevention and crisis response committee that includes employees delivering direct social or mental health services to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees delivering direct social or mental health services.

(c) In preparing the written violence prevention and crisis response policy required by this section, the Secretary and providers identified in subdivision (a)(2) of this section shall consult the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers as amended.

(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and prevention response committee and provided to employees delivering direct social or mental health services.

(e) The requirements of this section shall neither be construed as a waiver of sovereign immunity by the State nor as creating any private right of action against the State for damages resulting from failure to comply with this section. This section shall not be construed to limit or eliminate any legal remedy available to an employee prior to the enactment of this section.

Sec. 2. 18 V.S.A. § 7114 is added to read:

§ 7114. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT

SOCIAL OR MENTAL HEALTH SERVICES

(a) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a workplace violence prevention and crisis response policy for the benefit of employees delivering direct social or mental health services pursuant to 33 V.S.A. § 8201.

(b) The Secretary shall ensure that the Agency's contracts with providers described in 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a written workplace violence prevention and crisis response policy for the benefit of employees delivering direct social or mental health services pursuant to 33 V.S.A. § 8201.

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on January 1, 2017.*