

1 H.74

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

4 Referred to Committee on

5 Date:

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

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

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

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

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

14 CHAPTER 80. SAFETY PROVISIONS FOR WORKERS

15 § 8001. SAFETY PROTOCOLS FOR SOCIAL AND MENTAL HEALTH  
16 WORKERS

17 (a) The Agency of Human Services shall require that programs providing  
18 direct services to clients and that are administered, licensed, certified, or  
19 funded in part by the Agency or a department of the Agency establish a  
20 violence prevention and crisis response protocol for the benefit of social

1 ~~workers, mental health workers, volunteers, interns, and all other employees~~  
2 working directly with clients.

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

7 (1) work conducted outside normal business hours;

8 (2) work conducted alone;

9 (3) home or community visits;

10 (4) appropriate staffing ratios;

11 (5) health and safety training;

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

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

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

17 (9) work conducted with people with known histories of violent  
18 behavior.

19 (c)(1) Based on the annual assessment conducted pursuant to subsection (b)  
20 of this section, and after consulting with affected workers, each program  
21 director or his or her designee shall create a program-specific protocol that

1 ~~addresses the safety of the social workers, mental health workers, volunteers,~~  
2 interns, and all other employees in the course of their work-related duties.

3 Each protocol shall contain:

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

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

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

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

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

17 (C) develop and maintain a violence prevention and response team to  
18 monitor ongoing compliance with the violence prevention and crisis response  
19 protocol and to assist any social workers, mental health workers, volunteers,  
20 interns, and all other employees victimized by or threatened with work-related  
21 violence.

- 1 ~~(d) Incident records kept pursuant to subdivision (c)(1)(A) of this section~~  
2 shall include the following:
- 3 (1) name and address of the program;
  - 4 (2) date, time, and specific location of the program's facility where the  
5 incident occurred;
  - 6 (3) whether the victim was a patient, visitor, or employee of the  
7 program;
  - 8 (4) name, job title, department or assignment, and staff identification  
9 number of the victim, if an employee;
  - 10 (5) whether the person causing the incident was a patient, visitor, or  
11 employee of the program;
  - 12 (6) classification of the incident as one of the following:
    - 13 (A) threat of assault with no physical contact;
    - 14 (B) physical assault with contact but no physical injury;
    - 15 (C) physical assault with mild soreness, surface abrasions, scratches,  
16 or small bruises;
    - 17 (D) physical assault with major soreness, scratches, cuts, or large  
18 bruises;
    - 19 (E) physical assault with severe lacerations, one or more bone  
20 fractures, or a head injury; or
    - 21 (F) physical assault with loss of limb or death resulting;

1 ~~(7) identification of any injured body part;~~

2 ~~(8) description of any weapon used;~~

3 ~~(9) number of program employees in the vicinity when the incident~~  
4 ~~occurred;~~

5 ~~(10) description of actions taken by employees involved or in the~~  
6 ~~vicinity of the incident; and~~

7 ~~(11) the program's response to the incident.~~

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

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

13 ~~§ 7114. SAFETY PROTOCOLS FOR SOCIAL AND MENTAL HEALTH~~  
14 ~~WORKERS~~

15 ~~Programs providing direct services to clients and that are administered,~~  
16 ~~licensed, certified, or funded in part by the Agency of Human Services or a~~  
17 ~~department of the Agency must establish a violence prevention and crisis~~  
18 ~~response protocol for the benefit of social workers, mental health workers,~~  
19 ~~volunteers, interns, and all other employees working directly with clients,~~  
20 ~~pursuant to 33 V.S.A. § 8001.~~

1 ~~Sec. 3. EFFECTIVE DATE~~

2 ~~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.