

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.