

1 H.74

2 Representative McCoy of Poultney, for the Committee on Human Services,  
3 recommends that the Senate’s Proposal of Amendment be further amended by  
4 striking out all after the enacting clause and inserting in lieu thereof the  
5 following:

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

7 CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

8 § 8201. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT  
9 SOCIAL OR MENTAL HEALTH SERVICES

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

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

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

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

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

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

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

18        (c) In preparing the written violence prevention and crisis response policy  
19        required by this section, the Secretary and providers identified in subdivision

20        (a)(2) of this section shall consult the U.S. Occupational Safety and Health

1 Administration's Guidelines for Preventing Workplace Violence for  
2 Healthcare and Social Service Workers as amended.

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

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

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

13 § 7114. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT  
14 SOCIAL OR MENTAL HEALTH SERVICES

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

19 (b) The Secretary shall ensure that its contracts with providers described in  
20 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a  
21 written workplace violence prevention and crisis response policy for the

1 benefit of employees delivering direct social or mental health services pursuant  
2 to 33 V.S.A. § 8201.

3 Sec. 3. EFFECTIVE DATE

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

5 and that after passage the title of the bill be amended to read: “An act relating  
6 to safety policies for employees delivering direct social or mental health  
7 services”

8  
9  
10 (Committee vote: \_\_\_\_\_)

11 \_\_\_\_\_  
12 Representative \_\_\_\_\_

13 FOR THE COMMITTEE