

**H.74: An act relating to safety protocols for social and mental health workers**

## Side by Side Summary

	<b>As Passed House</b>	<b>As Passed Senate</b>
<b>Section Title</b> (Secs. 1 & 2)	Safety Policies for <i>Social and Mental Health Workers</i>	Safety Policies for <i>Employees Delivering Direct Social Services</i>
<b>33 V.S.A. § 8201(a)(1)</b>	<i>AHS and each department of AHS is required to create a policy for the benefit of employees working directly with clients.</i>	The <i>Secretary of AHS, in consultation with each department of AHS, is required to create a policy for the benefit of employees delivering direct social services.</i>
<b>33 V.S.A. § 8201(a)(2)</b>	<i>AHS shall ensure its contracts with providers that directly serve clients and that are administered or designated by a department of AHS require the providers to create a policy for the benefit of employees working directly with clients.</i>	The <i>Secretary of AHS shall ensure its contracts with providers whose employees deliver direct social services and that are administered or designated but not otherwise licensed by a department of AHS include the requirement that the providers create a policy for the benefit of employees delivering direct social services.</i>
<b>33 V.S.A. § 8201(b)</b>	Each policy must include the following: <ul style="list-style-type: none"> <li>• Measures taken to respond to incidents or credible threats</li> <li>• System for centrally recording incidents or credible threats</li> <li>• Training program for employees working directly with clients on ways to reduce risks of workplace violence</li> <li>• Creation of committee (whose membership includes employees working directly with clients) that monitors ongoing compliance with the policy</li> </ul>	[Same as House, with the exception of substituting “employees delivering direct social services” for “employees working directly with clients”]

<b>33 V.S.A. § 8201(c)</b>	Policy must be <i>consistent with</i> U.S. Occupational Safety and Health Administration’s Guidelines for Preventing Workplace Violence <i>or any subsequently adopted federal regulations or State rules governing workplace safety</i>	Preparation of policy must <i>consult</i> U.S. Occupational Safety and Health Administration’s Guidelines for Preventing Workplace Violence <i>as amended</i>
<b>33 V.S.A. § 8201(d)</b>	Policy must be evaluated annually and updated as needed by the committee	[Same as House, with the exception of substituting “employees delivering direct social services” for “employees working directly with clients”]
<b>33 V.S.A. § 8201(e)</b>	This section neither waives sovereign immunity, nor creates a new private right of action against the State	[Same as the House]
<b>18 V.S.A. § 7114(a)</b> (Cross-reference)	<i>AHS and each department of AHS is required to create a policy for the benefit of employees working directly with clients.</i>	The <i>Secretary</i> of AHS, <i>in consultation with each department of AHS</i> , is required to create a policy for the benefit of employees <i>delivering direct social services.</i>
<b>18 V.S.A. § 7114(b)</b> (Cross-reference)	<i>AHS shall ensure its contracts with providers described in 33 V.S.A. § 8201(a)(2) create a policy for the benefit of employees working directly with clients.</i>	The <i>Secretary</i> of AHS shall ensure its contracts with providers described in 33 V.S.A. § 8201(a)(2) create a policy for the benefit of employees <i>delivering direct social services.</i>
<b>Effective Date</b>	January 1, 2017	[Same as House]