

To: Senate Health and Welfare Committee
From: Jessica Oski, Lobbyist, UNAP Local 5051
Date: March 24, 2016
Re: H.74 An act relating to safety protocols for social and mental health workers

POSITION ON H.74 AS PASSED BY THE HOUSE

United Nurses and Allied Professionals (UNAP), a union of nurses and social workers primarily at HCRS and in SE Vermont, **supports H.74 as passed by the House.**

BACKGROUND

In August 2013, UNAP testified to the Mental Health Oversight Committee (MHOC) and requested that the committee recommend that the legislature adopt comprehensive safety protocols for mental health workers at designated agencies. UNAP provided the committee with a memo (attached) outlining similar efforts in other states. UNAP's request came on the heels of the closing of the Vermont State Hospital due to Hurricane Irene and the resulting increased pressure on caseloads and the need to try to keep people out of the ERs and hospitals.

Social workers at HCRS, many of them crisis workers, reported often feeling unsafe in their jobs. Workers often go out alone to people's homes and cell coverage is often iffy. There continues to be pressure on these outreach and crisis workers to go alone, see as many clients in their homes as possible. The workers felt that there was little emphasis on safety and there were no alternative options when they didn't feel safe. Crisis workers are the lowest paid in the system and often feel the need to do whatever is necessary to keep their jobs.

The UNAP testimony also described the stress at two stand alone crisis centers in Springfield and Brattleboro. Crisis centers serve as an alternative to ER for clients in crisis. These centers must be staffed by at least two people when a client in crisis comes in and they do have panic buttons, but staff felt that there was not adequate focus on staff safety. They reported that during a then recent crisis at the Springfield crisis center, staff used the panic button and it took 15 minutes for the PD to respond. *They reported that they were not aware of any written safety plans or crisis response plans in place to ensure that employees feel safe and are safe.*

At the time, MHOC heard conflicting testimony from management at Washington Country Mental Health where, it was reported, safety and crisis response plans were in place and staff were regularly trained and consulted. MHOC did not recommend that the legislature adopt comprehensive safety protocols for social workers and mental health workers.

In January 2014, UNAP wrote a letter to then-AHS Secretary Racine, requesting that, pursuant to existing rulemaking authority, the agency adopt rules or procedures that ensure that employees of designated mental health facilities within the

Vermont mental health system of care have a reasonably safe and secure work environment.

In that letter, UNAP pointed out that a number of states have enacted workplace violence prevention programs specifically for social workers and mental health workers, including Massachusetts, Kentucky, California and Washington. In addition, OSHA and National Association of Social Workers (NASW) each offer guidelines for social service workers' safety in the workplace. In prescient warning, the UNAP letter closed with: "many states wait until there is a tragedy before taking action. Vermont should act now."

In response, then-Commissioner of Mental Health, Paul Dupre denied UNAP's rulemaking request and noted that, it is his "*expectation...that as part of doing business as a designated agency...the entity has sufficient policies and procedures in place to protect its employees.*" UNAP was disappointed with the Commissioner's response. It may have been the Commissioner's "expectation," but there has been no corresponding requirement, guidance, encouragement or other effort to enforce that expectation. UNAP then turned to the legislature for a statutory solution. In 2014, Representatives Pugh and Donahue introduced H.635, a bill very similar to H.74.

SUPPORT FOR H.74 AS PASSED BY THE HOUSE

As introduced, H.74 required very comprehensive and detailed violence prevention policies be in place at designated agencies. Through the course of negotiations with stakeholders, UNAP agreed to the much scaled back version of the bill that ultimately was approved by the House. From UNAP's perspective, the most important features of any violence prevention policy are the four required elements outlined in H.74:

- development of a written policy created with input from affected employees,
- a system to record incidents of threats and violence,
- a plan to train employees on the policy, and
- a committee that includes affected employees that regularly reviews and updates the policy.

Please let us know if you have any questions.

Jessica Oski, Esq.

Necrason Group

802-734-1508

oski@necrasongroup.com

