

H.74

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

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

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.