

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

Side by Side Summary

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

33 V.S.A. § 8201(c)	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>	[Same as Senate]
33 V.S.A. § 8201(d)	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”]	[Same as Senate, with the exception of substituting “employees delivering direct social <i>or mental health</i> services” for “employees delivering direct social services”]
33 V.S.A. § 8201(e)	This section neither waives sovereign immunity, nor creates a new private right of action against the State	[Same as the House]	Adds sentence: <i>This section shall not be construed to limit or eliminate any legal remedy available to an employee prior to the enactment of this section.</i>
18 V.S.A. § 7114(a) (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</i> each department of AHS, is required to create a policy for the benefit of employees <i>delivering direct social services.</i>	[Same as Senate, with the exception of substituting “employees delivering direct social <i>or mental health</i> services” for “employees delivering direct social services”]
18 V.S.A. § 7114(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>	[Same as Senate, with the exception of substituting “employees delivering direct social <i>or mental health</i> services” for “employees delivering direct social services”]
Effective Date	January 1, 2017	[Same as House]	[Same as House & Senate]