

H.259

Introduced by Representative Cordes of Bristol

Referred to Committee on

Date:

Subject: Health; hospitals; workplace violence prevention; security plan

Statement of purpose of bill as introduced: This bill proposes to require hospitals to develop and implement a security plan for preventing workplace violence. It further proposes to require hospitals to establish and utilize a workplace violence incident reporting system.

An act relating to preventing workplace violence in hospitals

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

~~Sec. 1. 18 V.S.A. § 1911b is added to read:~~

§ 1911b. WORKPLACE VIOLENCE PREVENTION PLANNING

(a)(1) A hospital licensed pursuant to this chapter shall establish and implement a security plan for preventing workplace violence and managing aggressive behaviors. Each hospital shall establish a team for the purpose of providing advice during the development of the hospital's security plan. The hospital shall select individuals from the following groups to serve on its security plan development team.

1 (A) health care employees providing direct patient care at the
2 hospital;

3 (B) representatives from the designated agency serving the region
4 where the hospital is located; and

5 (C) representatives of relevant law enforcement agencies.

6 (2) The security plan shall be based on the results of a security risk
7 assessment that addresses all high-risk areas of the hospital, including the
8 emergency department, and all patient care areas. The security risk assessment
9 shall be conducted in consultation with the medical and nursing directors of
10 each department and those hospital employees supervising other high-risk
11 areas of the hospital. The security risk assessment shall consider overall
12 patient volume, crime rates in the community, and the availability of law
13 enforcement to respond to violent incidents at the hospital.

14 (3) The security plan shall include an option for health care employees
15 who provide direct patient care to request an identification badge containing
16 only their first name or their first name and last initial.

17 (4)(A) The security plan shall require at least one hospital employee
18 trained in de-escalation strategies to be present at all time in the hospital's
19 emergency department and all other patient care areas.

20 (B) The security plan shall require that a hospital employee trained in
21 trauma-informed care and victim support serve as a liaison to law enforcement,

1 support victims through the legal process, and ensure that the response to
2 incidents of violence at the hospital prioritize the safety and retention of
3 hospital employees providing health care services.

4 (5) The security plan shall establish training requirements for
5 appropriate hospital employees on the following:

- 6 (A) the culture of safety as determined by the hospital;
7 (B) response to the presence or use of weapons;
8 (C) defensive tactics;
9 (D) de-escalation techniques;
10 (E) appropriate physical restraint and seclusion techniques;
11 (F) crisis intervention;
12 (G) trauma-informed care and strategies;
13 (H) clinician well-being practices;
14 (I) presence and intervention of law enforcement; and
15 (J) safely addressing situations involving patients, family members,
16 or other individuals who pose a risk of self-harm or harm to others.

17 (6) The security plan shall include guidelines indicating when a law
18 enforcement officer should remain with a patient who has demonstrated
19 violence or harm to others pursuant to 18 V.S.A. § 1883. The guidelines shall
20 be developed jointly by a health care provider representative and law
21 enforcement.

1 ~~(7)(A) A hospital shall review and evaluate the security plan developed~~
2 pursuant to this subsection annually in conjunction with the data collected
3 pursuant to subdivision (b)(3) of this section. If necessary, the hospital shall
4 revise the security plan.

5 (B) The security plan and any annual revisions to the security plan
6 shall be distributed annually to all hospital employees, volunteers, the
7 hospital's board of directors, relevant law enforcement agencies, and any other
8 partners identified by the security plan development team.

9 (b)(1) A hospital licensed pursuant to this chapter shall establish and utilize
10 a workplace violence incident reporting system to document, track, analyze,
11 and evaluate incidents of workplace violence at the hospital. Data collection
12 through the reporting system and resulting analysis shall be used to improve
13 workplace safety and to manage aggressive behaviors, including improvements
14 achieved through continuing education in targeted areas such as de-escalation
15 training, risk identification, and prevention planning.

16 (2) All hospital employees shall be notified about the existence of the
17 reporting system and shall receive training on how to report incidents of
18 workplace violence to the hospital, hospital security, law enforcement, or any
19 other entity the hospital deems appropriate.

20 (3) A hospital shall use its reporting system to track the following:

21 ~~(A) the number of reported incidents,~~

1 (B) the number of incidents reported to law enforcement; and

2 (C) the number of individuals involved in a reported incident who
3 were criminally charged as a result of the incident.

4 (c) A hospital shall adopt a policy prohibiting a hospital employee from
5 discriminating or retaliating against another hospital employee for:

6 (1) reporting an incidence of workplace violence;

7 (2) seeking assistance or intervention from the hospital, hospital
8 security, law enforcement, or any other appropriate entity; or

9 (3) participating in an investigation of workplace violence.

10 (d)(1) A hospital shall post a notice in a conspicuous location, either
11 electronically or in print, indicating that hospital employees do not tolerate an
12 unsafe work environment where any type of threatening or aggressive behavior
13 is present. The notice shall remind hospital patrons of the serious legal
14 consequences of assaulting a hospital employee.

15 (2) As used in this subsection, “conspicuous” could include the
16 hospital’s website, waiting room areas, or any other areas of the hospital that
17 the hospital deems appropriate.

18 (e) The Agency of Human Services shall collaborate with hospitals to
19 identify incentives, funding sources, and other means to support the
20 development and operation of workplace violence prevention programs at
21 hospitals.

1 ~~Sec. 2. 18 V.S.A. § 9435 is amended to read:~~

2 § 9435. EXCLUSIONS

3 * * *

4 (i) Excluded from this subchapter are expenditures by a hospital that are
5 necessary to implement the security plan required pursuant to section 1911b of
6 this title.

7 Sec. 3. 18 V.S.A. § 9454 is amended to read:

8 § 9454. HOSPITALS; DUTIES

9 (a) Hospitals shall file the following information at the time and place and
10 in the manner established by the Board:

11 (1) a budget for the forthcoming fiscal year;

12 (2) financial information, including costs of operation, revenues, assets,
13 liabilities, fund balances, other income, rates, charges, units of services, and
14 wage and salary data;

15 (3) scope-of-service and volume-of-service information, including
16 inpatient services, outpatient services, and ancillary services by type of service
17 provided;

18 (4) utilization information;

19 (5) new hospital services and programs proposed for the forthcoming
20 fiscal year,

1 ~~(6) costs associated with implementing their security plan pursuant to~~
2 section 1911b of this title, including capital investments, program operation,
3 and staff;

4 (7) known depreciation schedules on existing buildings, a four-year
5 capital expenditure projection, and a one-year capital expenditure plan; and

6 (7)(8) such other information as the Board may require.

7 * * *

8 Sec. 4. 18 V.S.A. § 9456 is amended to read:

9 § 9456. BUDGET REVIEW

10 (a) The Board shall conduct reviews of each hospital's proposed budget
11 based on the information provided pursuant to this subchapter and in
12 accordance with a schedule established by the Board.

13 * * *

14 (c) Individual hospital budgets established under this section shall:

15 * * *

16 (5) include a finding that the analysis provided in subdivision (b)(9) of
17 this section is a reasonable methodology for reflecting a reduction in net
18 revenues for non-Medicaid payers; and

19 (6) demonstrate that they support equal access to appropriate mental
20 health care that meets standards of quality, access, and affordability equivalent

1 ~~to other components of health care as part of an integrated, holistic system of~~
2 ~~care; and~~

3 ~~(7) allocate sufficient funds to ensure that the hospital is able to fully~~
4 ~~support all of the costs associated with operating its security plan pursuant to~~
5 ~~section 1911b of this title.~~

6 * * *

7 Sec. 5. EFFECTIVE DATE

8 ~~This act shall take effect on July 1, 2025.~~

Sec. 1. 18 V.S.A. § 1911b is added to read:

§ 1911b. WORKPLACE VIOLENCE PREVENTION PLANNING

(a)(1) A hospital licensed pursuant to this chapter shall establish and implement a security plan for preventing workplace violence and managing aggressive behaviors. Each hospital shall establish a team for the purpose of providing advice during the development of the hospital's security plan. The hospital shall select individuals from the following groups to serve on its security plan development team:

(A) health care employees providing direct patient care at the hospital;

(B) representatives from the designated agency serving the region where the hospital is located; and

(C) representatives of relevant law enforcement agencies.

(2) The security plan shall be based on the results of a security risk assessment that addresses all high-risk areas of the hospital, including the emergency department, and all patient care areas. The security risk assessment shall be conducted in consultation with the medical and nursing directors of each department and those hospital employees supervising other high-risk areas of the hospital. The security risk assessment shall consider overall patient volume, crime rates in the community, and the availability of law enforcement to respond to violent incidents at the hospital.

(3) The security plan shall include an option for health care employees who provide direct patient care to request an identification badge containing only their first name or their first name and last initial.

(4)(A) The security plan shall require at least one hospital employee trained in de-escalation strategies to be present at all times in the hospital's emergency department and all other patient care areas.

(B) The security plan shall require that a hospital employee trained in trauma-informed care and victim support serve as a liaison to law enforcement, support victims through the legal process, and ensure that the response to incidents of violence at the hospital prioritize the safety and retention of hospital employees providing health care services to the extent permitted under State and federal law.

(5) The security plan shall establish training requirements for appropriate hospital employees on the following:

(A) the culture of safety as determined by the hospital;

(B) response to the presence or use of weapons;

(C) defensive tactics;

(D) de-escalation techniques;

(E) appropriate physical restraint and seclusion techniques;

(F) crisis intervention;

(G) trauma-informed care and strategies;

(H) clinician well-being practices;

(I) presence and intervention of law enforcement; and

(J) safely addressing situations involving patients, family members, or other individuals who pose a risk of self-harm or harm to others.

(6) The security plan shall include guidelines indicating when a law enforcement officer should remain with a patient who has demonstrated violence or harm to others pursuant to 18 V.S.A. § 1893. The guidelines shall be developed jointly by a health care provider representative and law enforcement.

(7)(A) A hospital shall review and evaluate the security plan developed pursuant to this subsection annually in conjunction with the data collected

pursuant to subdivision (b)(3) of this section. If necessary, the hospital shall revise the security plan.

(B) The security plan and any annual revisions to the security plan shall be distributed annually to all hospital employees, volunteers, the hospital's board of directors, relevant law enforcement agencies, and any other partners identified by the security plan development team.

(b)(1) A hospital licensed pursuant to this chapter shall establish and utilize a workplace violence incident reporting system to document, track, analyze, and evaluate incidents of workplace violence at the hospital. Data collection through the reporting system and resulting analysis shall be used to improve workplace safety and to manage aggressive behaviors, including improvements achieved through continuing education in targeted areas such as de-escalation training, risk identification, and prevention planning.

(2) All hospital employees shall be notified about the existence of the reporting system and shall receive training on how to report incidents of workplace violence to the hospital, hospital security, law enforcement, or any other entity the hospital deems appropriate.

(3) A hospital shall use its reporting system to track the following:

(A) the number of reported incidents; and

(B) the number of incidents reported to law enforcement.

(c) A hospital shall adopt a policy prohibiting discrimination or retaliation for:

(1) reporting an incidence of workplace violence;

(2) seeking assistance or intervention from the hospital, hospital security, law enforcement, or any other appropriate entity; or

(3) participating or refusing to participate in an investigation of workplace violence.

(d)(1) A hospital shall post a notice in a conspicuous location, either electronically or in print, indicating that hospital employees do not tolerate an unsafe work environment where any type of threatening or aggressive behavior is present. The notice shall remind hospital patrons of the serious legal consequences of assaulting a hospital employee.

(2) As used in this subsection, “conspicuous” could include the hospital’s website, waiting room areas, or any other areas of the hospital that the hospital deems appropriate.

(e) The Agency of Human Services shall collaborate with hospitals to identify incentives, funding sources, and other means to support the development and operation of workplace violence prevention programs at hospitals.

(f) Nothing in this section shall require a hospital to make capital investments to implement its security plan.

Sec. 2. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

** * **

(i) Excluded from this subchapter are expenditures by a hospital that are necessary to implement the security plan required pursuant to section 1911b of this title.

Sec. 3. 18 V.S.A. § 9454 is amended to read:

§ 9454. HOSPITALS; DUTIES

(a) Hospitals shall file the following information at the time and place and in the manner established by the Board:

(1) a budget for the forthcoming fiscal year;

(2) financial information, including costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of services, and wage and salary data;

(3) scope-of-service and volume-of-service information, including inpatient services, outpatient services, and ancillary services by type of service provided;

(4) utilization information;

(5) new hospital services and programs proposed for the forthcoming fiscal year;

(6) costs associated with implementing their security plan pursuant to section 1911b of this title, including capital investments, program operation, and staff.

(7) known depreciation schedules on existing buildings, a four-year capital expenditure projection, and a one-year capital expenditure plan; and

(7)(8) such other information as the Board may require.

* * *

Sec. 4. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) The Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter and in accordance with a schedule established by the Board.

* * *

(c) Individual hospital budgets established under this section shall:

* * *

(5) include a finding that the analysis provided in subdivision (b)(9) of this section is a reasonable methodology for reflecting a reduction in net revenues for non-Medicaid payers; and

(6) demonstrate that they support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent

to other components of health care as part of an integrated, holistic system of care; and

(7) take into consideration the costs associated with implementing a security plan pursuant to section 1911b of this title.

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Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2025.