



SECTION BY SECTION

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

Workplace Violence Prevention for Health Care and Social Service Workers Act **(H.R.1195)**

Title I – Workplace Violence Prevention Standard

Section 101: Workplace Violence Prevention Standard

This section requires the Occupational Safety and Health Administration (OSHA) to issue a workplace violence prevention standard requiring employers within the health care and social service sectors to develop and implement a plan to protect their employees from workplace violence. OSHA shall carry this out in two stages: an interim final standard shall be issued within one year of enactment, and then a final standard, subject to full notice and comment, shall be issued within 42 months of enactment. Prior to the issuance of an interim final standard, OSHA shall provide for a 30-day comment period. The interim final standard shall be based upon the OSHA Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers and the requirements set forth in this bill.

Section 102: Scope and Application

The standard will cover hospitals, residential treatment facilities, non-residential treatment settings, medical treatment or social service settings in correctional or detention facilities, psychiatric treatment facilities, substance use disorder treatment centers, community care settings such as group homes and mental health clinics, freestanding emergency centers, and federal health care facilities such as those operated by the Veterans Administration and the Indian Health Service, as well as field work settings such as home care and home-based hospice, and emergency services and transport services. The bill is not intended to cover offices of individual physicians or other medical providers located outside of covered facilities or covered services.

The rule covers direct-hire employees, contracted and subcontracted employees, and temporary or leased employees employed at these covered facilities.

Section 103: Requirements for the Workplace Violence Prevention Standard

The bill requires OSHA to establish a standard ("OSHA standard") under which each covered employer shall develop and implement a Workplace Violence Prevention Plan ("Plan") tailored to the relevant hazards in the specific facility.

- In preparing a Plan, covered employers, in conjunction with employees (and their representatives, where applicable), shall identify workplace violence risks to employees in their particular workplace, including environmental risk factors, risk factors specific to the patient population, and past violent incidents.
- The plan shall ensure the coordination of risk assessment efforts, plan development, and implementation of the plan with other employers who have employees who work at the covered facility or who are performing the covered service.
- The Plan shall include both work practice controls such as security, staffing, and training on de-escalation techniques, and environmental controls such as personal alarm devices, adequate exit routes,

surveillance monitoring systems, barrier protection, entry procedures, and weapons detectors. The Plan must outline procedures for reporting, responding to, and investigating incidents, and providing medical care and first aid to affected employees. The Plan must include procedures for training of the workforce, coordination with other employers who have employees who work at the site, and an annual evaluation of the Plan.

The OSHA standard mandates that employers shall investigate each incident of workplace violence as soon as practicable, document the findings, and take corrective measures.

The OSHA standard requires that each employer must provide annual in-person training and education to employees. When employees are reassigned, they must receive additional training.

The OSHA standard requires that employers must record workplace violence incidents in a Violent Incident Log (“Log”). An annual summary of the Log shall be posted in the workplace in the same manner as the posting of the OSHA Annual Summary of Injuries and Illnesses, and shall be transmitted to OSHA. Employers shall maintain records related to the Plan, and employees are provided the right to examine and make copies of the Plan, the Log and related Plan documents, with appropriate protections for patient and worker privacy. Patient names and personal identifying information will be excluded from the Violent Incident Log.

Finally, the OSHA standard prohibits retaliation against a covered employee for reporting a workplace violence incident, threat, or concern to an employer, law enforcement, local emergency services, or a government agency. A violation of this prohibition shall be enforceable as a violation of an OSHA standard.

Section 104: Rules of Construction

Nothing in this legislation curtails or limits the authority of the Secretary of Labor under any other provision of federal or state law.

The rights, privileges, and remedies of employees provided under this legislation are in addition to those provided under any other federal or state law.

Section 105: Other Definitions

The term “workplace violence” means: (i) any act of violence or threat of violence, without regard to intent, and includes the threat or use of physical force against an employee that results in or has a high likelihood of resulting in physical injury, psychological trauma, or stress, without regard to whether an employee sustains actual physical injury, psychological trauma, or stress; and (ii) an incident involving the threat or use of a firearm or a dangerous weapon, including the use of common objects as weapons, without regard to whether an employee sustains an actual injury, psychological trauma, or stress.

Title II – Amendments to the Social Security Act

Section 201: Application of the Workplace Violence Prevention Standard to Certain Facilities Receiving Medicare Funds

This section requires that hospitals and skilled nursing facilities operated by state or local government agencies, which are not otherwise subject to the Occupational Safety and Health Act of 1970 or a State occupational safety and health plan, shall comply with the OSHA standard required in this Act as a condition of receiving Medicare funds. A covered facility that fails to comply with the OSHA standard is subject to a civil monetary penalty in an amount similar to the amount OSHA may impose under the OSHA Act for a violation of a standard, but such facility is not subject to termination of an agreement with Medicare.