

117TH CONGRESS
1ST SESSION

H. R. 1195

To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2021

Mr. COURTNEY (for himself, Mr. SCOTT of Virginia, Mr. BACON, Ms. ADAMS, Mr. YOUNG, Mr. KHANNA, Mr. FITZPATRICK, and Mr. COLE) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Workplace Violence
3 Prevention for Health Care and Social Service Workers
4 Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) In a 2016 report entitled, “Workplace Safe-
8 ty and Health: Additional Efforts Needed to Help
9 Protect Health Care Workers from Workplace Vio-
10 lence”, the Government Accountability Office re-
11 ported over 730,000 cases of health care workplace
12 assaults over the 5-year span from 2009 through
13 2013, based on Bureau of Justice Statistics data.

14 (2) The health care and social service industries
15 experience the highest rates of injuries caused by
16 workplace violence. Nurses, social workers, psy-
17 chiatric, home health, and personal care aides are all
18 at increased risk for injury caused by workplace vio-
19 lence. The Bureau of Labor Statistics reported that
20 in 2019, rates of violence and injury caused by per-
21 sons in these workplaces ranged from 3.8 times to
22 as high as 82 times the average American work-
23 place.

24 (3) The Bureau of Labor Statistics reports that
25 health care and social service workers suffered 73
26 percent of all workplace violence injuries caused by

1 persons in 2018 and are nearly 5 times as likely to
2 suffer a workplace violence injury than workers over-
3 all.

4 (4) According to a survey of 3,500 American
5 emergency physicians conducted by the American
6 College of Emergency Physicians, 47 percent of
7 emergency room doctors have been physically as-
8 saulted at work, and 8 in 10 report that this vio-
9 lence is affecting patient care.

10 (5) Workplace violence in health care and social
11 service sectors is increasing. Bureau of Labor Statis-
12 tics data show that private sector injury rates of
13 workplace violence in health care and social service
14 sectors increased by 54 percent between 2001 and
15 2018. Due to under-reporting, actual injury rates
16 from workplace violence are widely recognized to be
17 higher than reported levels.

18 (6) Violence in health care settings has adverse
19 impacts on workers and patients, compromising
20 quality of care.

21 (7) Studies have demonstrated that workplace
22 violence prevention programs tailored to the needs of
23 specific work areas and State-based workplace vio-
24 lence prevention legislation are strongly associated
25 with reductions in workplace violence.

1 (8) Studies have found that proper staff train-
2 ing, appropriate staffing levels, sufficient resources,
3 and the use of evidence based interventions (such as
4 effective communication with patients using de-esca-
5 lation techniques and noncoercive use of medica-
6 tions) can reduce the risks to the safety of both pa-
7 tients and staff, using least-restrictive measures.

8 (9) The Occupational Safety and Health Ad-
9 ministration has issued “Guidelines for Preventing
10 Workplace Violence for Healthcare and Social Serv-
11 ice Workers”, however, this guidance is not enforce-
12 able. Absent an enforceable standard, employers lack
13 mandatory requirements to implement an effective
14 and ongoing violence prevention program that pro-
15 vides protection of workers from workplace violence.

16 (10) Nine States have mandated that certain
17 types of health care facilities implement workplace
18 violence prevention programs. On April 1, 2018, the
19 Division of Occupational Safety and Health of the
20 State of California issued a comprehensive standard
21 (“Workplace Violence Prevention in Health Care”)
22 that requires health care facilities to implement a
23 workplace violence prevention plan.

24 (11) Employer organizations have challenged
25 the Occupational Safety and Health Administra-

1 tion’s authority to utilize the General Duty Clause
2 of the Occupational Safety and Health Act of 1970
3 to enforce against workplace violence hazards, argu-
4 ing that Congress did not intend to cover workplace
5 violence under such clause when the Act was enacted
6 in 1970.

7 (12) The Occupational Safety and Health Ad-
8 ministration (OSHA) received two petitions for rule-
9 making in July of 2016, calling on OSHA to pro-
10 mulgate a violence prevention standard for health
11 care and social service sectors. On December 6,
12 2016, OSHA issued a Request for Information
13 (RFI) soliciting information on this issue. On Janu-
14 ary 10, 2017, OSHA conducted a public meeting to
15 receive stakeholder input and to supplement the on-
16 line comments submitted in response to the RFI. At
17 that meeting, OSHA announced it accepted the peti-
18 tions and would develop a Federal standard to pre-
19 vent workplace violence in health care and social
20 service settings. The Trump administration failed to
21 meet any of its deadlines to move the workplace vio-
22 lence rulemaking forward. It normally takes OSHA
23 ten to twenty years to finalize a major OSHA stand-
24 ard. Therefore, legislation is necessary to ensure the

1 timely development of a standard to protect workers
2 in health care and social service settings.

3 **SEC. 3. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Findings.
- Sec. 3. Table of contents.

TITLE I—WORKPLACE VIOLENCE PREVENTION STANDARD

- Sec. 101. Workplace violence prevention standard.
- Sec. 102. Scope and application.
- Sec. 103. Requirements for workplace violence prevention standard.
- Sec. 104. Rules of construction.
- Sec. 105. Other definitions.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

- Sec. 201. Application of the workplace violence prevention standard to certain facilities receiving Medicare funds.

5 **TITLE I—WORKPLACE VIOLENCE**
6 **PREVENTION STANDARD**

7 **SEC. 101. WORKPLACE VIOLENCE PREVENTION STANDARD.**

8 (a) INTERIM FINAL STANDARD.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary of
11 Labor shall issue an interim final standard on work-
12 place violence prevention—

13 (A) to require certain employers in the
14 health care and social service sectors, and cer-
15 tain employers in sectors that conduct activities
16 similar to the activities in the health care and
17 social service sectors, to develop and implement
18 a comprehensive workplace violence prevention

1 plan and carry out other activities or require-
2 ments described in section 103 to protect health
3 care workers, social service workers, and other
4 personnel from workplace violence; and

5 (B) that shall, at a minimum, be based on
6 the Guidelines for Preventing Workplace Vio-
7 lence for Healthcare and Social Service Work-
8 ers published by the Occupational Safety and
9 Health Administration of the Department of
10 Labor in 2015 and adhere to the requirements
11 of this title.

12 (2) INAPPLICABLE PROVISIONS OF LAW AND
13 EXECUTIVE ORDER.—The following provisions of law
14 and Executive orders shall not apply to the issuance
15 of the interim final standard under this subsection:

16 (A) The requirements applicable to occupa-
17 tional safety and health standards under section
18 6(b) of the Occupational Safety and Health Act
19 of 1970 (29 U.S.C. 655(b)).

20 (B) The requirements of chapters 5 and 6
21 of title 5, United States Code.

22 (C) Subchapter I of chapter 35 of title 44,
23 United States Code (commonly referred to as
24 the “Paperwork Reduction Act”).

1 (3) NOTICE AND COMMENT.—Notwithstanding
2 paragraph (2)(B), the Secretary shall, prior to
3 issuing the interim final standard under this sub-
4 section, provide notice in the Federal Register of the
5 interim final standard and a 30-day period for pub-
6 lic comment.

7 (4) EFFECTIVE DATE OF INTERIM STAND-
8 ARD.—The interim final standard shall—

9 (A) take effect on a date that is not later
10 than 30 days after issuance, except that such
11 interim final standard may include a reasonable
12 phase-in period for the implementation of re-
13 quired engineering controls that take effect
14 after such date;

15 (B) be enforced in the same manner and
16 to the same extent as any standard promul-
17 gated under section 6(b) of the Occupational
18 Safety and Health Act of 1970 (29 U.S.C.
19 655(b)); and

20 (C) be in effect until the final standard de-
21 scribed in subsection (b) becomes effective and
22 enforceable.

23 (5) FAILURE TO PROMULGATE.—If an interim
24 final standard described in paragraph (1) is not
25 issued not later than 1 year of the date of enactment

1 of this Act, the provisions of this title shall be in ef-
2 fect and enforced in the same manner and to the
3 same extent as any standard promulgated under sec-
4 tion 6(b) of the Occupational Safety and Health Act
5 (29 U.S.C. 655(b)) until such provisions are super-
6 seded in whole by an interim final standard issued
7 by the Secretary that meets the requirements of
8 paragraph (1).

9 (b) FINAL STANDARD.—

10 (1) PROPOSED STANDARD.—Not later than 2
11 years after the date of enactment of this Act, the
12 Secretary of Labor shall, pursuant to section 6 of
13 the Occupational Safety and Health Act (29 U.S.C.
14 655), promulgate a proposed standard on workplace
15 violence prevention—

16 (A) for the purposes described in sub-
17 section (a)(1)(A); and

18 (B) that shall include, at a minimum, re-
19 quirements contained in the interim final stand-
20 ard promulgated under subsection (a).

21 (2) FINAL STANDARD.—Not later than 42
22 months after the date of enactment of this Act, the
23 Secretary shall issue a final standard on such pro-
24 posed standard that shall—

1 (A) provide no less protection than any
2 workplace violence standard adopted by a State
3 plan that has been approved by the Secretary
4 under section 18 of the Occupational Safety
5 and Health Act of 1970 (29 U.S.C. 667); and

6 (B) be effective and enforceable in the
7 same manner and to the same extent as any
8 standard promulgated under section 6(b) of the
9 Occupational Safety and Health Act of 1970
10 (29 U.S.C. 655(b)).

11 **SEC. 102. SCOPE AND APPLICATION.**

12 In this title:

13 (1) COVERED FACILITY.—

14 (A) IN GENERAL.—The term “covered fa-
15 cility” includes the following:

16 (i) Any hospital, including any spe-
17 cialty hospital, in-patient or outpatient set-
18 ting, or clinic operating within a hospital
19 license, or any setting that provides out-
20 patient services.

21 (ii) Any residential treatment facility,
22 including any nursing home, skilled nurs-
23 ing facility, hospice facility, and long-term
24 care facility.

1 (iii) Any non-residential treatment or
2 service setting.

3 (iv) Any medical treatment or social
4 service setting or clinic at a correctional or
5 detention facility.

6 (v) Any community care setting, in-
7 cluding a community-based residential fa-
8 cility, group home, and mental health clin-
9 ic.

10 (vi) Any psychiatric treatment facility.

11 (vii) Any drug abuse or substance use
12 disorder treatment center.

13 (viii) Any independent freestanding
14 emergency centers.

15 (ix) Any facility described in clauses
16 (i) through (viii) operated by a Federal
17 Government agency and required to comply
18 with occupational safety and health stand-
19 ards pursuant to section 1960 of title 29,
20 Code of Federal Regulations (as such sec-
21 tion is in effect on the date of enactment
22 of this Act).

23 (x) Any other facility the Secretary
24 determines should be covered under the
25 standards promulgated under section 101.

1 (B) EXCLUSION.—The term “covered facil-
2 ity” does not include an office of a physician,
3 dentist, podiatrist, or any other health practi-
4 tioner that is not physically located within a
5 covered facility described in clauses (i) through
6 (x) of subparagraph (A).

7 (2) COVERED SERVICES.—

8 (A) IN GENERAL.—The term “covered
9 service” includes the following services and op-
10 erations:

11 (i) Any services and operations pro-
12 vided in any field work setting, including
13 home health care, home-based hospice, and
14 home-based social work.

15 (ii) Any emergency services and trans-
16 port, including such services provided by
17 firefighters and emergency responders.

18 (iii) Any services described in clauses
19 (i) and (ii) performed by a Federal Gov-
20 ernment agency and required to comply
21 with occupational safety and health stand-
22 ards pursuant to section 1960 of title 29,
23 Code of Federal Regulations (as such sec-
24 tion is in effect on the date of enactment
25 of this Act).

1 (iv) Any other services and operations
2 the Secretary determines should be covered
3 under the standards promulgated under
4 section 101.

5 (B) EXCLUSION.—The term “covered serv-
6 ice” does not include child day care services.

7 (3) COVERED EMPLOYER.—

8 (A) IN GENERAL.—The term “covered em-
9 ployer” includes a person (including a con-
10 tractor, subcontractor, a temporary service
11 firm, or an employee leasing entity) that em-
12 ploys an individual to work at a covered facility
13 or to perform covered services.

14 (B) EXCLUSION.—The term “covered em-
15 ployer” does not include an individual who pri-
16 vately employs, in the individual’s residence, a
17 person to perform covered services for the indi-
18 vidual or a family member of the individual.

19 (4) COVERED EMPLOYEE.—The term “covered
20 employee” includes an individual employed by a cov-
21 ered employer to work at a covered facility or to per-
22 form covered services.

1 **SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE**
2 **PREVENTION STANDARD.**

3 Each standard described in section 101 shall include,
4 at a minimum, the following requirements:

5 (1) **WORKPLACE VIOLENCE PREVENTION**
6 **PLAN.**—Not later than 6 months after the date of
7 promulgation of the interim final standard under
8 section 101(a), a covered employer shall develop, im-
9 plement, and maintain an effective written workplace
10 violence prevention plan (in this section referred to
11 as the “Plan”) for covered employees at each cov-
12 ered facility and for covered employees performing a
13 covered service on behalf of such employer, which
14 meets the following:

15 (A) **PLAN DEVELOPMENT.**—Each Plan
16 shall—

17 (i) be developed and implemented with
18 the meaningful participation of direct care
19 employees, other employees, and employee
20 representatives, for all aspects of the Plan;

21 (ii) be tailored and specific to condi-
22 tions and hazards for the covered facility
23 or the covered service, including patient-
24 specific risk factors and risk factors spe-
25 cific to each work area or unit; and

1 (iii) be suitable for the size, com-
2 plexity, and type of operations at the cov-
3 ered facility or for the covered service, and
4 remain in effect at all times.

5 (B) PLAN CONTENT.—Each Plan shall in-
6 clude procedures and methods for the following:

7 (i) Identification of the individual and
8 the individual’s position responsible for im-
9 plementation of the Plan.

10 (ii) With respect to each work area
11 and unit at the covered facility or while
12 covered employees are performing the cov-
13 ered service, risk assessment and identi-
14 fication of workplace violence risks and
15 hazards to employees exposed to such risks
16 and hazards (including environmental risk
17 factors and patient-specific risk factors),
18 which shall be—

19 (I) informed by past violent inci-
20 dents specific to such covered facility
21 or such covered service; and

22 (II) conducted with, at a min-
23 imum—

24 (aa) direct care employees;

1 (bb) where applicable, the
2 representatives of such employ-
3 ees; and

4 (cc) the employer.

5 (iii) Hazard prevention, engineering
6 controls, or work practice controls to cor-
7 rect hazards, in a timely manner, applying
8 industrial hygiene principles of the hier-
9 archy of controls, which—

10 (I) may include security and
11 alarm systems, adequate exit routes,
12 monitoring systems, barrier protec-
13 tion, established areas for patients
14 and clients, lighting, entry procedures,
15 staffing and working in teams, and
16 systems to identify and flag clients
17 with a history of violence; and

18 (II) shall ensure that employers
19 correct, in a timely manner, hazards
20 identified in any violent incident in-
21 vestigation described in paragraph (2)
22 and any annual report described in
23 paragraph (5).

1 (iv) Reporting, incident response, and
2 post-incident investigation procedures, in-
3 cluding procedures—

4 (I) for employees to report work-
5 place violence risks, hazards, and inci-
6 dents;

7 (II) for employers to respond to
8 reports of workplace violence;

9 (III) for employers to perform a
10 post-incident investigation and de-
11 briefing of all reports of workplace vi-
12 olence with the participation of em-
13 ployees and their representatives;

14 (IV) to provide medical care or
15 first aid to affected employees; and

16 (V) to provide employees with in-
17 formation about available trauma and
18 related counseling.

19 (v) Procedures for emergency re-
20 sponse, including procedures for threats of
21 mass casualties and procedures for inci-
22 dents involving a firearm or a dangerous
23 weapon.

24 (vi) Procedures for communicating
25 with and training the covered employees on

1 workplace violence hazards, threats, and
2 work practice controls, the employer's plan,
3 and procedures for confronting, responding
4 to, and reporting workplace violence
5 threats, incidents, and concerns, and em-
6 ployee rights.

7 (vii) Procedures for—

8 (I) ensuring the coordination of
9 risk assessment efforts, Plan develop-
10 ment, and implementation of the Plan
11 with other employers who have em-
12 ployees who work at the covered facil-
13 ity or who are performing the covered
14 service; and

15 (II) determining which covered
16 employer or covered employers shall
17 be responsible for implementing and
18 complying with the provisions of the
19 standard applicable to the working
20 conditions over which such employers
21 have control.

22 (viii) Procedures for conducting the
23 annual evaluation under paragraph (6).

24 (C) AVAILABILITY OF PLAN.—Each Plan
25 shall be made available at all times to the cov-

1 ered employees who are covered under such
2 Plan.

3 (2) VIOLENT INCIDENT INVESTIGATION.—

4 (A) IN GENERAL.—As soon as practicable
5 after a workplace violence incident, risk, or haz-
6 ard of which a covered employer has knowledge,
7 the employer shall conduct an investigation of
8 such incident, risk, or hazard under which the
9 employer shall—

10 (i) review the circumstances of the in-
11 cident, risk, or hazard, and whether any
12 controls or measures implemented pursu-
13 ant to the Plan of the employer were effec-
14 tive; and

15 (ii) solicit input from involved employ-
16 ees, their representatives, and supervisors
17 about the cause of the incident, risk, or
18 hazard, and whether further corrective
19 measures (including system-level factors)
20 could have prevented the incident, risk, or
21 hazard.

22 (B) DOCUMENTATION.—A covered em-
23 ployer shall document the findings, rec-
24 ommendations, and corrective measures taken

1 for each investigation conducted under this
2 paragraph.

3 (3) TRAINING AND EDUCATION.—With respect
4 to the covered employees covered under a Plan of a
5 covered employer, the employer shall provide train-
6 ing and education to such employees who may be ex-
7 posed to workplace violence hazards and risks, which
8 meet the following requirements:

9 (A) Annual training and education shall
10 include information on the Plan, including iden-
11 tified workplace violence hazards, work practice
12 control measures, reporting procedures, record
13 keeping requirements, response procedures,
14 anti-retaliation policies, and employee rights.

15 (B) Additional hazard recognition training
16 shall be provided for supervisors and managers
17 to ensure they—

18 (i) can recognize high-risk situations;

19 and

20 (ii) do not assign employees to situa-
21 tions that predictably compromise the safe-
22 ty of such employees.

23 (C) Additional training shall be provided
24 for each such covered employee whose job cir-

1 cumstances have changed, within a reasonable
2 timeframe after such change.

3 (D) Applicable training shall be provided
4 under this paragraph for each new covered em-
5 ployee prior to the employee's job assignment.

6 (E) All training shall provide such employ-
7 ees opportunities to ask questions, give feed-
8 back on training, and request additional in-
9 struction, clarification, or other followup.

10 (F) All training shall be provided in-person
11 and by an individual with knowledge of work-
12 place violence prevention and of the Plan, ex-
13 cept that any annual training described in sub-
14 paragraph (A) provided to an employee after
15 the first year such training is provided to such
16 employee may be conducted by live video if in-
17 person training is impracticable.

18 (G) All training shall be appropriate in
19 content and vocabulary to the language, edu-
20 cational level, and literacy of such covered em-
21 ployees.

22 (4) RECORDKEEPING AND ACCESS TO PLAN
23 RECORDS.—

24 (A) IN GENERAL.—Each covered employer
25 shall—

1 (i) maintain for not less than 5
2 years—

3 (I) records related to each Plan
4 of the employer, including workplace
5 violence risk and hazard assessments,
6 and identification, evaluation, correc-
7 tion, and training procedures;

8 (II) a violent incident log de-
9 scribed in subparagraph (B) for re-
10 cording all workplace violence inci-
11 dents; and

12 (III) records of all incident inves-
13 tigations as required under paragraph
14 (2)(B); and

15 (ii)(I) make such records and logs
16 available, upon request, to covered employ-
17 ees and their representatives for examina-
18 tion and copying in accordance with sec-
19 tion 1910.1020 of title 29, Code of Federal
20 Regulations (as such section is in effect on
21 the date of enactment of this Act), and in
22 a manner consistent with HIPAA privacy
23 regulations (defined in section 1180(b)(3)
24 of the Social Security Act (42 U.S.C.
25 1320d–9(b)(3))) and part 2 of title 42,

1 Code of Federal Regulations (as such part
2 is in effect on the date of enactment of this
3 Act); and

4 (II) ensure that any such records and
5 logs that may be copied, transmitted elec-
6 tronically, or otherwise removed from the
7 employer's control for purposes of this
8 clause omit any element of personal identi-
9 fying information sufficient to allow identi-
10 fication of any patient, resident, client, or
11 other individual alleged to have committed
12 a violent incident (including the individ-
13 ual's name, address, electronic mail ad-
14 dress, telephone number, or social security
15 number, or other information that, alone
16 or in combination with other publicly avail-
17 able information, reveals such individual's
18 identity).

19 (B) VIOLENT INCIDENT LOG DESCRIP-
20 TION.—Each violent incident log shall—

21 (i) be maintained by a covered em-
22 ployer for each covered facility controlled
23 by the employer and for each covered serv-
24 ice being performed by a covered employee
25 on behalf of such employer;

1 (ii) be based on a template developed
2 by the Secretary not later than 1 year
3 after the date of enactment of this Act;

4 (iii) include, at a minimum, a descrip-
5 tion of—

6 (I) the violent incident (including
7 environmental risk factors present at
8 the time of the incident);

9 (II) the date, time, and location
10 of the incident, and the names and
11 job titles of involved employees;

12 (III) the nature and extent of in-
13 juries to covered employees;

14 (IV) a classification of the pepe-
15 trator who committed the violence, in-
16 cluding whether the perpetrator was—

17 (aa) a patient, client, resi-
18 dent, or customer of a covered
19 employer;

20 (bb) a family or friend of a
21 patient, client, resident, or cus-
22 tomer of a covered employer;

23 (cc) a stranger;

1 (dd) a coworker, supervisor,
2 or manager of a covered em-
3 ployee;

4 (ee) a partner, spouse, par-
5 ent, or relative of a covered em-
6 ployee; or

7 (ff) any other appropriate
8 classification;

9 (V) the type of violent incident
10 (such as type 1 violence, type 2 vio-
11 lence, type 3 violence, or type 4 vio-
12 lence); and

13 (VI) how the incident was
14 abated;

15 (iv) not later than 7 days after the
16 employer learns of such incident, contain a
17 record of each violent incident, which is
18 updated to ensure completeness of such
19 record;

20 (v) be maintained for not less than 5
21 years; and

22 (vi) in the case of a violent incident
23 involving a privacy concern case, protect
24 the identity of employees in a manner con-
25 sistent with section 1904.29(b) of title 29,

1 Code of Federal Regulations (as such sec-
2 tion is in effect on the date of enactment
3 of this Act).

4 (C) ANNUAL SUMMARY.—

5 (i) COVERED EMPLOYERS.—Each cov-
6 ered employer shall prepare and submit to
7 the Secretary an annual summary of each
8 violent incident log for the preceding cal-
9 endar year that shall—

10 (I) with respect to each covered
11 facility, and each covered service, for
12 which such a log has been maintained,
13 include—

14 (aa) the total number of vio-
15 lent incidents;

16 (bb) the number of record-
17 able injuries related to such inci-
18 dents; and

19 (cc) the total number of
20 hours worked by the covered em-
21 ployees for such preceding year;

22 (II) be completed on a form pro-
23 vided by the Secretary;

24 (III) be posted for 3 months be-
25 ginning February 1 of each year in a

1 manner consistent with the require-
2 ments of section 1904 of title 29,
3 Code of Federal Regulations (as such
4 section is in effect on the date of en-
5 actment of this Act), relating to the
6 posting of summaries of injury and ill-
7 ness logs;

8 (IV) be located in a conspicuous
9 place or places where notices to em-
10 ployees are customarily posted; and

11 (V) not be altered, defaced, or
12 covered by other material.

13 (ii) SECRETARY.—Not later than 1
14 year after the promulgation of the interim
15 final standard under section 101(a), the
16 Secretary shall make available a platform
17 for the electronic submission of annual
18 summaries required under this subpara-
19 graph.

20 (5) ANNUAL REPORT.—

21 (A) REPORT TO SECRETARY.—Not later
22 than February 15 of each year, each covered
23 employer shall report to the Secretary, on a
24 form provided by the Secretary, the frequency,
25 quantity, and severity of workplace violence,

1 and any incident response and post-incident in-
2 vestigation (including abatement measures) for
3 the incidents set forth in the annual summary
4 of the violent incident log described in para-
5 graph (4)(C). The contents of the report of the
6 Secretary to Congress shall not disclose any
7 confidential information.

8 (B) REPORT TO CONGRESS.—Not later
9 than 6 months after February 15 of each year,
10 the Secretary shall submit to Congress a sum-
11 mary of the reports received under subpara-
12 graph (A).

13 (6) ANNUAL EVALUATION.—Each covered em-
14 ployer shall conduct an annual written evaluation,
15 conducted with the full, active participation of cov-
16 ered employees and employee representatives, of—

17 (A) the implementation and effectiveness
18 of the Plan, including a review of the violent in-
19 cident log; and

20 (B) compliance with training required by
21 each standard described in section 101, and
22 specified in the Plan.

23 (7) PLAN UPDATES.—Each covered employer
24 shall incorporate changes to the Plan, in a manner
25 consistent with paragraph (1)(A)(i) and based on

1 findings from the most recent annual evaluation con-
2 ducted under paragraph (6), as appropriate.

3 (8) ANTI-RETALIATION.—

4 (A) POLICY.—Each covered employer shall
5 adopt a policy prohibiting any person (including
6 an agent of the employer) from the discrimina-
7 tion or retaliation described in subparagraph
8 (B).

9 (B) PROHIBITION.—No covered employer
10 shall discriminate or retaliate against any em-
11 ployee for—

12 (i) reporting a workplace violence inci-
13 dent, threat, or concern to, or seeking as-
14 sistance or intervention with respect to
15 such incident, threat, or concern from, the
16 employer, law enforcement, local emer-
17 gency services, or a local, State, or Federal
18 government agency; or

19 (ii) exercising any other rights under
20 this paragraph.

21 (C) ENFORCEMENT.—This paragraph shall
22 be enforced in the same manner and to the
23 same extent as any standard promulgated
24 under section 6(b) of the Occupational Safety
25 and Health Act (29 U.S.C. 655(b)).

1 **SEC. 104. RULES OF CONSTRUCTION.**

2 Notwithstanding section 18 of the Occupational Safe-
3 ty and Health Act of 1970 (29 U.S.C. 667)—

4 (1) nothing in this title shall be construed to
5 curtail or limit authority of the Secretary under any
6 other provision of the law;

7 (2) the rights, privileges, or remedies of covered
8 employees shall be in addition to the rights, privi-
9 leges, or remedies provided under any Federal or
10 State law, or any collective bargaining agreement;
11 and

12 (3) nothing in this Act shall be construed to
13 limit or prevent health care workers, social service
14 workers, and other personnel from reporting violent
15 incidents to appropriate law enforcement.

16 **SEC. 105. OTHER DEFINITIONS.**

17 In this title:

18 (1) **WORKPLACE VIOLENCE.**—

19 (A) **IN GENERAL.**—The term “workplace
20 violence” means any act of violence or threat of
21 violence, without regard to intent, that occurs
22 at a covered facility or while a covered employee
23 performs a covered service.

24 (B) **EXCLUSIONS.**—The term “workplace
25 violence” does not include lawful acts of self-de-
26 fense or lawful acts of defense of others.

1 (C) INCLUSIONS.—The term “workplace
2 violence” includes—

3 (i) the threat or use of physical force
4 against a covered employee that results in
5 or has a high likelihood of resulting in in-
6 jury, psychological trauma, or stress, with-
7 out regard to whether the covered em-
8 ployee sustains an injury, psychological
9 trauma, or stress; and

10 (ii) an incident involving the threat or
11 use of a firearm or a dangerous weapon,
12 including the use of common objects as
13 weapons, without regard to whether the
14 employee sustains an injury, psychological
15 trauma, or stress.

16 (2) TYPE 1 VIOLENCE.—The term “type 1 vio-
17 lence”—

18 (A) means workplace violence directed at a
19 covered employee at a covered facility or while
20 performing a covered service by an individual
21 who has no legitimate business at the covered
22 facility or with respect to such covered service;
23 and

24 (B) includes violent acts by any individual
25 who enters the covered facility or worksite

1 where a covered service is being performed with
2 the intent to commit a crime.

3 (3) TYPE 2 VIOLENCE.—The term “type 2 vio-
4 lence” means workplace violence directed at a cov-
5 ered employee by customers, clients, patients, stu-
6 dents, inmates, or any individual for whom a covered
7 facility provides services or for whom the employee
8 performs covered services.

9 (4) TYPE 3 VIOLENCE.—The term “type 3 vio-
10 lence” means workplace violence directed at a cov-
11 ered employee by a present or former employee, su-
12 pervisor, or manager.

13 (5) TYPE 4 VIOLENCE.—The term “type 4 vio-
14 lence” means workplace violence directed at a cov-
15 ered employee by an individual who is not an em-
16 ployee, but has or is known to have had a personal
17 relationship with such employee, or with a customer,
18 client, patient, student, inmate, or any individual for
19 whom a covered facility provides services or for
20 whom the employee performs covered services.

21 (6) THREAT OF VIOLENCE.—The term “threat
22 of violence” means a statement or conduct that—

23 (A) causes an individual to fear for such
24 individual’s safety because there is a reasonable

1 possibility the individual might be physically in-
2 jured; and

3 (B) serves no legitimate purpose.

4 (7) ALARM.—The term “alarm” means a me-
5 chanical, electrical, or electronic device that does not
6 rely upon an employee’s vocalization in order to alert
7 others.

8 (8) DANGEROUS WEAPON.—The term “dan-
9 gerous weapon” means an instrument capable of in-
10 flicting death or serious bodily injury, without re-
11 gard to whether such instrument was designed for
12 that purpose.

13 (9) ENGINEERING CONTROLS.—

14 (A) IN GENERAL.—The term “engineering
15 controls” means an aspect of the built space or
16 a device that removes a hazard from the work-
17 place or creates a barrier between a covered
18 employee and the hazard.

19 (B) INCLUSIONS.—For purposes of reduc-
20 ing workplace violence hazards, the term “engi-
21 neering controls” includes electronic access con-
22 trols to employee occupied areas, weapon detec-
23 tors (installed or handheld), enclosed work-
24 stations with shatter-resistant glass, deep serv-
25 ice counters, separate rooms or areas for high-

1 risk patients, locks on doors, removing access to
2 or securing items that could be used as weap-
3 ons, furniture affixed to the floor, opaque glass
4 in patient rooms (which protects privacy, but
5 allows the health care provider to see where the
6 patient is before entering the room), closed-cir-
7 cuit television monitoring and video recording,
8 sight-aids, and personal alarm devices.

9 (10) ENVIRONMENTAL RISK FACTORS.—

10 (A) IN GENERAL.—The term “environ-
11 mental risk factors” means factors in the cov-
12 ered facility or area in which a covered service
13 is performed that may contribute to the likeli-
14 hood or severity of a workplace violence inci-
15 dent.

16 (B) CLARIFICATION.—Environmental risk
17 factors may be associated with the specific task
18 being performed or the work area, such as
19 working in an isolated area, poor illumination
20 or blocked visibility, and lack of physical bar-
21 riers between individuals and persons at risk of
22 committing workplace violence.

23 (11) PATIENT-SPECIFIC RISK FACTORS.—The
24 term “patient-specific risk factors” means factors
25 specific to a patient that may increase the likelihood

1 or severity of a workplace violence incident, includ-
2 ing—

3 (A) a patient’s treatment and medication
4 status, and history of violence and use of drugs
5 or alcohol; and

6 (B) any conditions or disease processes of
7 the patient that may cause the patient to expe-
8 rience confusion or disorientation, be non-re-
9 sponsive to instruction, behave unpredictably, or
10 engage in disruptive, threatening, or violent be-
11 havior.

12 (12) SECRETARY.—The term “Secretary”
13 means the Secretary of Labor.

14 (13) WORK PRACTICE CONTROLS.—

15 (A) IN GENERAL.—The term “work prac-
16 tice controls” means procedures and rules that
17 are used to effectively reduce workplace violence
18 hazards.

19 (B) INCLUSIONS.—The term “work prac-
20 tice controls” includes—

21 (i) assigning and placing sufficient
22 numbers of staff to reduce patient-specific
23 type 2 violence hazards;

1 (ii) provision of dedicated and avail-
2 able safety personnel such as security
3 guards;

4 (iii) employee training on workplace
5 violence prevention methods and tech-
6 niques to de-escalate and minimize violent
7 behavior; and

8 (iv) employee training on procedures
9 for response in the event of a workplace vi-
10 olence incident and for post-incident re-
11 sponse.

12 **TITLE II—AMENDMENTS TO THE**
13 **SOCIAL SECURITY ACT**

14 **SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE**
15 **PREVENTION STANDARD TO CERTAIN FACILI-**
16 **TIES RECEIVING MEDICARE FUNDS.**

17 (a) IN GENERAL.—Section 1866 of the Social Secu-
18 rity Act (42 U.S.C. 1395ee) is amended—

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (X), by striking
21 “and” at the end;

22 (B) in subparagraph (Y), by striking at
23 the end the period and inserting “; and”; and

24 (C) by inserting after subparagraph (Y)
25 the following new subparagraph:

1 “(Z) in the case of hospitals that are not other-
2 wise subject to the Occupational Safety and Health
3 Act of 1970 (or a State occupational safety and
4 health plan that is approved under 18(b) of such
5 Act) and skilled nursing facilities that are not other-
6 wise subject to such Act (or such a State occupa-
7 tional safety and health plan), to comply with the
8 Workplace Violence Prevention Standard (as pro-
9 mulgated under section 101 of the Workplace Vio-
10 lence Prevention for Health Care and Social Service
11 Workers Act).”;

12 (2) in subsection (b)(4)—

13 (A) in subparagraph (A), by inserting
14 “and a hospital or skilled nursing facility that
15 fails to comply with the requirement of sub-
16 section (a)(1)(Z) (relating to the Workplace Vi-
17 olence Prevention Standard)” after
18 “Bloodborne Pathogens standard”;

19 (B) in subparagraph (B)—

20 (i) by striking “(a)(1)(U)” and insert-
21 ing “(a)(1)(V)”;

22 (ii) by inserting “(or, in the case of a
23 failure to comply with the requirement of
24 subsection (a)(1)(Z), for a violation of the
25 Workplace Violence Prevention standard

1 referred to in such subsection by a hospital
2 or skilled nursing facility, as applicable,
3 that is subject to the provisions of such
4 Act)” before the period at the end.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall apply beginning on the date that is
7 1 year after the date of issuance of the interim final stand-
8 ard on workplace violence prevention required under sec-
9 tion 101.

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