

HOUSE No. 1687

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring health care employees to develop and implement programs to prevent workplace violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>

<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>

HOUSE No. 1687

By Mr. Brady of Brockton, a petition (accompanied by bill, House, No. 1687) of Michael D. Brady and others relative to health care worker safety. Labor and Workforce Development.

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
—————

An Act requiring health care employees to develop and implement programs to prevent workplace violence.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the general laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 129D, the following new section:-

3 Section 129E. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Employee”, an individual employed by a health care employer as defined in this section.

6 “Health care employer”, any individual, partnership, association, corporation or, trust or
7 any person or group of persons operating a health care facility as defined in this section and
8 employing five or more employees.

9 “Health care facility”, an individual, partnership, association, corporation or trust or any
10 person or group of persons that employs health care providers, including any hospital, clinic,
11 convalescent or nursing home, charitable home for the aged, community health agency or other

12 provider of health care services licensed, or subject to licensing by, or operated by the
13 department of public health; any state hospital operated by the department; any facility as
14 defined in section three of chapter one hundred and eleven B; any private, county or municipal
15 facility, department or unit which is licensed or subject to licensing by the department of mental
16 health pursuant to section nineteen of chapter nineteen, or by the department of developmental
17 services pursuant to section fifteen of chapter nineteen B; any facility as defined in section one of
18 chapter one hundred and twenty-three; the Soldiers' Home in Holyoke, the Soldiers' Home in
19 Chelsea; or any facility as set forth in section one of chapter nineteen or section one of chapter
20 nineteen B.

21 (b) Each health care employer shall annually perform a risk assessment, in cooperation
22 with the employees of the health care employer and any labor organization or
23 organizations representing the employees, all factors, which may put any of the employees at risk
24 of workplace assaults and homicide. The factors shall include, but not be limited to: working in
25 public settings; guarding or maintaining property or possessions; working in high-crime areas;
26 working late night or early morning hours; working alone or in small numbers; uncontrolled
27 public access to the workplace; working in public areas where people are in crisis; working in
28 areas where a patient
29 or resident may exhibit violent behavior; working in areas with known security problems
30 and working with a staffing pattern insufficient to address foreseeable risk factors.

31 (c) Based on the findings of the risk assessment, the health care employer shall develop

32 and implement a program to minimize the danger of workplace violence to employees,
33 which shall include appropriate employee training and a system for the ongoing reporting and
34 monitoring of incidents and situations involving violence or the risk of violence. Employee
35 training shall include, in addition to all employer training program policies, methods of reporting
36 to appropriate public safety officials, bodies or agencies and processes necessary for the filing of
37 criminal charges., Each health care employer shall develop a written violence prevention plan
38 setting forth the employer's workplace violence prevention plan. The health care employer shall
39 make the plan available to each employee and provide the plan to any of its employees upon
40 their request. The health care employer shall provide the plan to any labor organization or
41 organizations representing any of its employees. The plan shall include: (i) a list of those factors
42 and circumstances that may pose a danger to employees; (ii) a description of the methods that the
43 health care employer will use to alleviate hazards associated with each factor; including, but not
44 limited to, employee training and any appropriate changes in job design, staffing, security,
45 equipment or facilities; and (iii) a description of the reporting and monitoring system.

46 (d) Each health care employer shall designate a senior manager responsible for the
47 development and support of an in-house crisis response team for employee-victims of
48 workplace violence. Said team shall implement an assaulted staff action program that
49 includes, but is not limited to, group crisis interventions, individual crisis counseling, staff
50 victims' support groups, employee victims' family crisis intervention, peer-help and professional
51 referrals.

52 (e) The commissioner of labor shall adopt rules and regulations necessary to implement
53 the purposes of this act. The rules and regulations shall include such guidelines as the

54 commissioner deems appropriate regarding workplace violence prevention programs required
55 pursuant to this act, and related reporting and monitoring systems and employee training.

56 (f) Any health care employer who violates any rule, regulation or requirement made by
57 the department under authority hereof shall be punished by a fine of not more than two
58 thousand dollars for each offense. The department or its representative or any person aggrieved,
59 any interested party or any officer of any labor union or association, whether incorporated or
60 otherwise, may file a written complaint with the district court in the jurisdiction of which the
61 violation occurs and shall promptly notify the attorney general in writing of such complaint. The
62 attorney general, upon determination that there is a violation of any workplace standard relative
63 to the protection of the occupational health and safety of employees or of any standard of
64 requirement of licensure, may order any work site to be closed by way of the issuance of a cease
65 and desist order enforceable in the appropriate courts of the commonwealth.

66 (g) No employee shall be penalized by a health care employer in any way as a result of
67 such employee's filing of a complaint or otherwise providing notice to the department in
68 regard to the occupational health and safety of such employee or their fellow employees exposed
69 to workplace violence risk factors.