

**SENATE . . . . . No. 1187**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James E. Timilty*

*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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1187) of James E. Timilty, Sarah K. Peake, Sal N. DiDomenico, Michael O. Moore and other members of the General Court for legislation to require health care employers to develop and implement programs to prevent workplace violence. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ □ SENATE  
□ , NO. 1237 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act requiring health care employers 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 2010 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 organizations  
23 representing the employees, all factors, which may put any of the employees at risk of workplace  
24 assaults and homicide. The factors shall include, but not be limited to: working in public settings;  
25 guarding or maintaining property or possessions; working in high-crime areas; working late night  
26 or early morning hours; working alone or in small numbers; uncontrolled public access to the  
27 workplace; working in public areas where people are in crisis; working in areas where a patient  
28 or resident may exhibit violent behavior; working in areas with known security problems and  
29 working with a staffing pattern insufficient to address foreseeable risk factors.

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

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

50 (e) The commissioner of labor shall adopt rules and regulations necessary to implement  
51 the purposes of this act. The rules and regulations shall include such guidelines as the  
52 commissioner deems appropriate regarding workplace violence prevention programs required  
53 pursuant to this act, and related reporting and monitoring systems and employee training.

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

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