
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1291 Session of
2024

INTRODUCED BY KANE, TARTAGLIONE, FONTANA, STREET, HAYWOOD,
BREWSTER, COSTA, SCHWANK AND HUGHES, JULY 12, 2024

REFERRED TO LABOR AND INDUSTRY, JULY 12, 2024

AN ACT

1 Providing for violence prevention committees in health
2 facilities, for duties of committees, for workplace violence
3 reporting requirements and for powers and duties of the
4 Department of Labor and Industry; and imposing fines and
5 administrative penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Health Care
10 Workplace Violence Prevention Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Committee." A violence prevention committee established by
16 a health facility under this act.

17 "Department." The Department of Labor and Industry of the
18 Commonwealth.

19 "Employee." An individual who is employed by a health

1 facility.

2 "Health facility." A hospital, long-term care nursing
3 facility or home health care agency as those terms are defined
4 in section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
5 known as the Health Care Facilities Act.

6 "Program." The workplace violence prevention program
7 established by a committee.

8 "Workplace violence." Violence or the threat of violence
9 against an employee.

10 Section 3. Violence prevention committee.

11 (a) Establishment.--Each health facility shall establish a
12 violence prevention committee to establish, review, administer
13 and provide guidance about a program relating to the prevention
14 of workplace violence at the health facility.

15 (b) Membership.--Each committee shall be composed as
16 follows:

17 (1) At least one member or designee of a committee shall
18 represent management and oversee implementation of the
19 program. A committee shall be led by two cochairs, one
20 representing management and one representing the union
21 employees and nonunion employees in the case of a facility
22 that has no union representing its employees.

23 (2) At least 50% of the members of each committee shall
24 be nonmanagerial employees primarily engaged in direct
25 patient care or clinical care services or employees who
26 interface with the public. A committee shall have a
27 proportional representation of union employees, selected by
28 their union, and nonunion employees, elected by secret ballot
29 by their peers. The proportional representation shall
30 incorporate all employees at risk of becoming a victim of

1 workplace violence and shall include representation from all
2 main areas of the health facility that may be subject to
3 workplace violence.

4 (3) The remaining members of a committee shall be
5 selected by management and shall have experience, expertise
6 or responsibility relevant to violence prevention or other
7 expertise that is considered beneficial to each committee.

8 Section 4. Duties of committee.

9 (a) Risk assessment evaluation.--Each committee shall
10 perform an initial risk assessment based on an analysis of
11 incidents of the prior five years and then annually thereafter,
12 as well as an evaluation of the factors that may put an employee
13 at risk of workplace violence. Those factors shall include, but
14 not be limited to:

15 (1) Working in a public setting.

16 (2) Guarding or maintaining property or possessions.

17 (3) Working in a high-crime area.

18 (4) Working late at night or early in the morning.

19 (5) Using commuter lots that are not adequately lit or
20 frequently patrolled.

21 (6) The existence of uncontrolled public access to the
22 workplace.

23 (7) Working in a public area with individuals in crisis.

24 (8) Working in an area where a patient or resident may
25 exhibit violent behavior or where there has been a pattern of
26 violent behavior.

27 (9) Working in a unit that does not have adequate
28 employee staffing levels.

29 (10) The existence or availability of a security
30 response team that is able to rapidly and effectively respond

1 to incidents of workplace violence.

2 (11) Adequate training of employees to deal with
3 incidents of workplace violence.

4 (12) The physical layout of the facility.

5 (b) Review.--Each committee shall meet quarterly to review
6 all incidents of workplace violence, to review compliance with
7 the program and the effectiveness of the program, to initiate
8 changes to the program where necessary and to perform any other
9 duties required under this act. Each committee shall report
10 annually the results of the reviews to the department together
11 with any changes to the program adopted by each committee. If no
12 changes are adopted in response to the review, each committee
13 shall report that fact to the department.

14 (c) Preparation of report and establishment of program.--
15 Each committee shall:

16 (1) Prepare a report from the risk assessment evaluation
17 and establish a written violence prevention program to
18 mitigate risks based on the assessment. If there is more than
19 one health facility within a system, there shall be a program
20 established for each health facility. The program shall be
21 updated annually.

22 (2) Develop and maintain a detailed, written violence
23 prevention plan that:

24 (i) identifies and tracks incidents of workplace
25 violence at the facility;

26 (ii) identifies workplace risks;

27 (iii) establishes a system to identify and flag
28 individuals with a history of violence; and

29 (iv) provides specific methods to address workplace
30 risks.

1 (3) Distribute the violence prevention plan and risk
2 assessment report to all employees.

3 (4) Make the risk assessment report available to the
4 public.

5 (5) Establish a method to expedite reporting and review
6 of a report of workplace violence and make written
7 recommendations to the health facility management on
8 preventing additional incidents of similar workplace
9 violence.

10 (6) Promptly after adopting a violence prevention plan,
11 file a copy of the plan with the department.

12 (d) Employee training.--A committee shall provide
13 appropriate employee training to employees at the time of hire
14 and annually thereafter.

15 Section 5. Reporting of workplace violence.

16 (a) Reporting.--An employee who reasonably believes that an
17 incident of workplace violence has occurred shall report the
18 occurrence of the incident in accordance with the violence
19 prevention plan of the health facility unless the employee knows
20 a report has already been made. The report shall be made
21 immediately or as soon thereafter as reasonably practicable, but
22 no later than 24 hours after the occurrence or discovery of the
23 incident.

24 (b) Local law enforcement reporting.--It shall be considered
25 a violation of this act to interfere with, discourage or
26 obstruct the reporting of an act of workplace violence or threat
27 of workplace violence against any on-duty employee to a local
28 law enforcement agency.

29 (c) Retaliation.--An employee who reports the occurrence of
30 an incident of workplace violence under subsection (a) may not

1 be subject to discrimination, dismissal, discharge or any other
2 decision adverse to the employee.

3 (d) Maintenance of records.--A health facility shall
4 maintain a report of an incident of workplace violence,
5 including records or documents regarding the report, for a
6 period of no less than three years. A health facility that fails
7 to comply with this subsection, including falsifying the
8 information required under section 9, shall be in violation of
9 this act and subject to the penalties specified under section 7.
10 Section 6. Distribution of reports of workplace violence.

11 A report of an incident of workplace violence that is
12 submitted to management or to the health facility shall be
13 provided to a committee within 72 hours of the submission of the
14 report.

15 Section 7. Penalties.

16 (a) Administrative fine.--The department may levy an
17 administrative fine on a health facility that violates this act
18 or any regulation adopted under this act. The fine shall be not
19 less than \$1,000 and not more than \$10,000 for each violation.

20 (b) Administrative order.--The department may order a health
21 facility to take an action that the department deems necessary
22 to correct a violation of this act, including payment of
23 restitution to an employee, a directive to change a policy or
24 procedure or a directive to remedy a retaliation prohibited
25 under section 5(c).

26 (c) Administrative agency law.--This section is subject to 2
27 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of
28 Commonwealth agencies) and 7 Subch. A (relating to judicial
29 review of Commonwealth agency action).

30 Section 8. Remedies.

1 (a) General rule.--If a health facility has engaged in
2 conduct that causes or maintains a substantial risk of further
3 workplace violence, including failing to implement the
4 recommendations of a committee, a court may enjoin the health
5 facility from engaging in the illegal activities and may order
6 any other relief that is appropriate, including, but not limited
7 to:

8 (1) reinstatement of an employee;

9 (2) removal of the offending party from the employee's
10 work environment;

11 (3) reimbursement for lost wages;

12 (4) medical expenses;

13 (5) compensation for emotional distress; and

14 (6) attorney fees.

15 (b) Reports to department.--

16 (1) If a committee concludes that a health facility has
17 failed to implement the safety recommendations of the
18 committee, the committee, by vote of a majority of the
19 members, may report the health facility's failure to the
20 department.

21 (2) If, after an investigation, the department
22 determines that the health facility is acting in bad faith
23 and failing to implement safety recommendations of a
24 committee, the department may impose penalties against the
25 health facility, including appropriate fines and
26 administrative penalties in accordance with section 7.

27 (3) Additionally, any individual has the ability to file
28 a complaint with the department for a violation of this act.

29 (4) If an activity, policy or practice has been reported
30 to management and, after reasonable opportunity for

1 correction, the problem has not been corrected or resolved
2 and an employee or a representative of the employee still
3 believes that a violation of the workplace violence
4 prevention program remains or that substantial risk of
5 workplace violence exists, such employee or representative of
6 the employees may request an inspection by giving notice to
7 the department of such a violation or risk. Such notice and
8 request shall be in writing, shall specify with reasonable
9 particularity the grounds for the notice and shall be signed
10 by the employee or representative of employees. A copy of
11 such notice shall be provided to the employer, except that on
12 the request of the person giving notice, such person's name
13 shall be withheld. If the department finds such a complaint
14 to be credible, an inspection shall be made by the
15 department.

16 (5) A representative of the employer and employees shall
17 be given the opportunity to accompany the department
18 representative during the inspection.

19 Section 9. Subpoenas and inspections.

20 (a) Subpoenas.--The Secretary of Labor and Industry or a
21 designee who has investigatory subpoena authority may issue a
22 subpoena upon the application of an attorney of the Office of
23 General Counsel assigned by the department for the purpose of
24 investigating alleged violations of this act. The department may
25 make an application to the Commonwealth Court to enforce a
26 subpoena under this subsection. Nothing in this subsection shall
27 be construed to excuse a person from producing documents and
28 records as requested by the department under any other provision
29 of State law.

30 (b) Inspections.--The department may obtain information to

1 investigate an alleged violation of this act or determine
2 compliance with this act, including entering and inspecting a
3 health facility at a reasonable time for the purpose of
4 interviewing employees and inspecting and obtaining copies of
5 records, reports, documents or other information in any medium.

6 Section 10. Effect on collective bargaining agreements.

7 This act may not be construed to:

8 (1) Supersede a current provision of an employee's
9 existing collective bargaining agreement which provides
10 greater rights and protection than prescribed by this act.

11 (2) Prevent any new provisions of a collective
12 bargaining agreement which provides greater rights and
13 protections from being implemented and applicable to an
14 employee.

15 Section 11. Rules and regulations.

16 The department shall adopt rules and regulations necessary to
17 implement this act. The rules and regulations shall include
18 guidelines the department deems appropriate regarding workplace
19 violence prevention programs required under this act and related
20 to reporting and monitoring systems and employee training.

21 Section 12. Effective date.

22 This act shall take effect in 180 days.