

1 S.122

2 Introduced by Senator Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Health care facilities; employee safety

6 Statement of purpose of bill as introduced: This bill proposes to create a  
7 model violence prevention and crisis response policy for health care facilities  
8 in Vermont. The bill creates a mechanism for the Department of Health to  
9 consult with stakeholders in the creation of the policy and its eventual adoption  
10 by health care facilities. Health care facilities would need to abide by certain  
11 minimum standards and create a committee and mechanisms to periodically  
12 review, update, and improve the facility's policy.

13 An act relating to creating health care facility safety policies

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. HEALTH CARE FACILITIES; MODEL SAFETY POLICY

16 (a)(1) On or before July 1, 2025, a health care facility shall conduct a  
17 comprehensive security and safety evaluation to identify factors that may cause  
18 violence against its employees providing health services on the premises of the  
19 health care facility.

1           (2) The health care facility shall conduct the evaluation using the U.S.  
2           Occupational Safety and Health Administration’s Guidelines for Preventing  
3           Workplace Violence for Healthcare and Social Service Workers, as amended,  
4           or any other state or nationally recognized workplace prevention guidelines  
5           designed to reduce violence against employees providing health services.

6           (b)(1) On or before January 1, 2026, each health care facility in this State  
7           shall report to the Commissioner of Health as to whether the facility has  
8           conducted the evaluation required pursuant to subsection (a) of this section.

9           (2) On or before June 1, 2026, the Department of Health, in consultation  
10          with the Department of Public Safety, shall collaborate and create a model  
11          health care facility violence prevention and crisis response policy applying to  
12          all health care facilities in the State that considers the following:

13               (A) the reports submitted to the Commissioner pursuant to  
14               subdivision (1) of this subsection (b);

15               (B) the U.S. Occupational Safety and Health Administration’s  
16               Guidelines for Preventing Workplace Violence for Healthcare and Social  
17               Service Workers, as amended; and

18               (C) any other state or nationally recognized workplace prevention  
19               guidelines designed to reduce violence against employees providing health  
20               services.

1           (3) On or before November 15, 2026, the Department of Health, in  
2           consultation with relevant stakeholders, including labor unions representing  
3           health care providers, the Vermont Association of Hospitals and Health  
4           Systems, the Vermont Medical Society, and the Bi-State Primary Care  
5           Association, shall update its model health care facility violence prevention and  
6           crisis response policy into one cohesive model policy for health care facilities  
7           to establish and maintain as part of the health care facility's own workplace  
8           violence prevention and crisis response policy.

9           Sec. 2. 18 V.S.A. § 9447 is added to read:

10           § 9447. SAFETY POLICIES FOR HEALTH CARE FACILITIES

11           (a)(1) On or before January 1, 2027, each health care facility shall establish  
12           and maintain a written workplace violence prevention and crisis response  
13           policy that meets or exceeds the requirements of this section in place for the  
14           benefit of employees delivering health services.

15           (2) A health care facility shall ensure that any contracts with providers  
16           whose employees deliver health services include the requirement that providers  
17           establish and maintain a written workplace violence prevention and crisis  
18           response policy that meets or exceeds the requirements of this chapter in place  
19           for the benefit of employees delivering direct social or mental health services.

1       (b) A written workplace violence prevention and crisis response policy  
2       prepared with input from an employee delivering health services shall, at a  
3       minimum, include the following:

4           (1) measures the facility intends to take to respond to an incident of or  
5       credible threat of workplace violence against an employee delivering health  
6       services;

7           (2) a system for centrally recording all incidents of or credible threats of  
8       workplace violence against an employee delivering health services;

9           (3) a training program to educate employees delivering health services  
10       about workplace violence and ways to reduce the risks; and

11          (4) the development and maintenance of a violence prevention and crisis  
12       response committee that includes employees delivering health services to  
13       monitor ongoing compliance with the violence prevention and crisis response  
14       policy and to assist employees delivering health services.

15       (c) In preparing the written violence prevention and crisis response policy  
16       required by this section, the health care facility shall consult the U.S.  
17       Occupational Safety and Health Administration's Guidelines for Preventing  
18       Workplace Violence for Healthcare and Social Service Workers, as amended.

19       (d) A written workplace violence prevention and crisis response policy  
20       shall be evaluated annually and updated as necessary by the violence and

1 prevention response committee and provided to employees delivering health  
2 services.

3 (e) Upon the request of an employee or the facility's violence prevention  
4 and crisis response committee, the health care facility shall generate and make  
5 available to the requesting party a report summarizing:

6 (1) incident information as required pursuant to subdivision (b)(2) of  
7 this section; and

8 (2) information concerning work-related injuries and illnesses recorded  
9 by the health care facility to comply with applicable federal and State health  
10 and safety record keeping requirements.

11 (f) Any report responding to a request made pursuant to subsection (e) of  
12 this section shall not include any personally identifiable information and shall  
13 only be used for the purposes of improving the health care facility's violence  
14 prevention and crisis response policy.

15 (g) The requirements of this section shall neither be construed as a waiver  
16 of sovereign immunity by health care facilities operated by the State, its  
17 subdivisions, or a duly authorized agency of the State nor as creating any  
18 private right of action against the State, its subdivisions, or a duly authorized  
19 agency of the State for damages resulting from a failure to comply with this  
20 section. This section shall not be construed to limit or eliminate any legal  
21 remedy available to an employee prior to the enactment of this section.

1       Sec. 3. EFFECTIVE DATE

2       This act shall take effect on July 1, 2023