

HOUSE BILL NO. HB0149

Protection of health care workers.

Sponsored by: Representative(s) Zwonitzer, Dn, Chadwick and Clouston and Senator(s) Brennan, Nethercott and Schuler

A BILL

for

1 AN ACT relating to crimes and offenses; creating the
2 offenses of assault, threat of violence and battery against
3 health care providers; specifying penalties; providing
4 definitions; establishing duties and requirements of health
5 care facilities to address violence against health care
6 providers; making conforming amendments; requiring
7 rulemaking; and providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 6-2-512 and 35-2-122 are created to
12 read:

13

1 6-2-512. Assault and threats of violence against
2 health care providers; battery against health care
3 providers; penalties.

4

5 (a) As used in this section:

6

7 (i) "Assault" means an offense under W.S.
8 6-2-501(a);

9

10 (ii) "Battery" means an offense under W.S.
11 6-2-501(b);

12

13 (iii) "Health care provider" means as defined in
14 W.S. 7-13-1501(m)(iv);

15

16 (iv) "Threat of violence" means an express or
17 implied threat where the person:

18

19 (A) Threatens to commit an offense
20 involving bodily injury, death or property damage of one
21 thousand dollars (\$1,000.00) or more and acts with intent
22 to cause property damage of one thousand dollars
23 (\$1,000.00) or more or acts with intent to place another

1 person in fear of imminent bodily injury, serious bodily
2 injury or death; or

3

4 (B) Makes a threat, accompanied by a show
5 of immediate force or violence, to do bodily injury to
6 another person.

7

8 (b) A person is guilty of assault against a health
9 care provider if the person:

10

11 (i) Commits an assault against a health care
12 provider;

13

14 (ii) Knows or reasonably should know that the
15 person is a health care provider at the time of the
16 assault; and

17

18 (iii) The health care provider was performing
19 duties within the scope of his authority or employment as a
20 health care provider at the time of the assault.

21

22 (c) A person is guilty of a threat of violence
23 against a health care provider if the person:

1

2 (i) Makes a threat of violence against a health
3 care provider;

4

5 (ii) Knows or reasonably should know that the
6 person is a health care provider at the time of the threat
7 of violence; and

8

9 (iii) The health care provider was performing
10 duties within the scope of his authority or employment as a
11 health care provider at the time of the threat of violence.

12

13 (d) A person is guilty of battery against a health
14 care provider if the person:

15

16 (i) Commits a battery against a health care
17 provider;

18

19 (ii) Knows or reasonably should know that the
20 person is a health care provider at the time of the
21 battery; and

22

1 (iii) The health care provider was performing
2 duties within the scope of his authority or employment as a
3 health care provider at the time of the battery.

4

5 (e) A person who violates subsections (b), (c) or (d)
6 of this section is:

7

8 (i) For a first offense, guilty of a misdemeanor
9 punishable by imprisonment for not less than two (2) days
10 and not more than six (6) months, a fine not to exceed one
11 thousand dollars (\$1,000.00), or both;

12

13 (ii) For a second or subsequent offense, guilty
14 of a felony punishable by imprisonment for not less than
15 forty-five (45) days and not more than three (3) years, a
16 fine not to exceed one thousand dollars (\$1,000.00), or
17 both.

18

19 **35-2-122. Workplace violence against health care**
20 **workers; notice; reporting requirements.**

21

22 (a) As used in this section:

23

1 (i) "Department" means the department of health;

2

3 (ii) "Health care" means any care, treatment,
4 service or procedure to maintain, diagnose or otherwise
5 affect an individual's physical or mental condition;

6

7 (iii) "Health care institution" means an
8 institution, facility or agency licensed, certified or
9 otherwise authorized or permitted by law to provide health
10 care in the ordinary course of business;

11

12 (iv) "Health care provider" means as defined by
13 W.S. 7-13-1601(m)(iv);

14

15 (v) "Workplace violence" means violent acts,
16 including battery or assault, against a health care
17 provider who is at work or on duty in the scope of the
18 provider's employment.

19

20 (b) Each health care institution shall display at
21 each of its facilities not less than one (1) sign that
22 states that abuse of or workplace violence against health
23 care providers will not be tolerated and could result in

1 conviction under W.S. 6-2-512 or other applicable criminal
2 laws. The department shall provide a downloadable template
3 for health care institutions to use as signs required under
4 this subsection. The signs required under this subsection
5 shall:

6

7 (i) Be posted in a conspicuous location in a
8 publicly accessible area of the health care institution's
9 facilities;

10

11 (ii) Be not less than eighteen (18) inches tall
12 by eighteen (18) inches wide and written in English with
13 letters not less than one (1) square inch in size.

14

15 (c) The department shall develop, publish and
16 maintain on its website information regarding health care
17 workplace violence. The information developed shall
18 include, at a minimum:

19

20 (i) A listing of best practices, toolkits and
21 resource regarding health care workplace violence,
22 including information from the federal occupational safety

1 and health administration and the joint commission on the
2 accreditation of health care organizations;

3

4 (ii) Actions that health care institutions can
5 take and policies that health care institutions can adopt
6 to prevent, respond to, report and mitigate health care
7 workplace violence;

8

9 (iii) A checklist of items for health care
10 institutions to consider when developing a workplace
11 violence prevention plan.

12

13 (d) Each health care institution shall develop and
14 maintain a workplace violence prevention plan that
15 includes, at a minimum:

16

17 (i) Resources for ongoing education on workplace
18 violence, the prevention of workplace violence and
19 responding to incidents of workplace violence with
20 debriefing after each incident of and response to workplace
21 violence;

22

1 (ii) Personnel education and policies requiring
2 each health care provider and employee who provides direct
3 care to patients to, at least annually, receive education
4 and training in a format that provides an opportunity for
5 interactive questions and answers with a person
6 knowledgeable about the workplace violence prevention plan.
7 Topics covered in the education and training required under
8 this paragraph shall include:

9

10 (A) How to recognize the potential for
11 workplace violence to occur;

12

13 (B) When and how to seek assistance to
14 prevent or respond to workplace violence;

15

16 (C) How to timely report violent incidents
17 to law enforcement;

18

19 (D) Resources available to employees for
20 coping with incidents of workplace violence.

21

1 (iii) A system for responding to and
2 investigating incidents and situations involving workplace
3 violence;

4

5 (iv) A system for regularly, and not less than
6 annually, assessing and improving upon factors that may
7 contribute to or help in preventing workplace violence,
8 including:

9

10 (A) Staffing and staffing patterns that may
11 contribute to, or be insufficient to address, the risk of
12 workplace violence;

13

14 (B) The sufficiency of security systems,
15 including alarms, emergency response systems and the
16 availability of security personnel;

17

18 (C) Job design, equipment and facilities;

19

20 (D) Security risks associated with
21 particular units of the health care institution's
22 facilities, including areas of uncontrolled access, late

1 night or early morning shifts and surrounding areas,
2 including parking areas.

3

4 (v) A requirement that the health care
5 institution maintain and make available to its employees a
6 written safety and security plan;

7

8 (vi) Any other information required by rule of
9 the department.

10

11 (e) Each health care institution shall report to law
12 enforcement and the department or the appropriate licensing
13 authority for the institution each incident of workplace
14 violence that occurs on the health care institution's
15 property. If an incident of workplace violence at a health
16 care institution results in injury, involves the use of a
17 firearm or dangerous weapon or presents an urgent or
18 emergent threat to the welfare, health or safety of health
19 care providers at the health care institution, the health
20 care institution shall report the incident not later than
21 twenty-four (24) hours after the incident.

22

1 (f) No health care institution shall discharge,
2 discipline or retaliate against any health care provider or
3 employee:

4

5 (i) Who in good faith reports an incident or
6 allegation of workplace violence; or

7

8 (ii) For seeking assistance and intervention
9 from local emergency services or law enforcement when a
10 workplace violence incident occurs.

11

12 (g) The department may take any action authorized in
13 W.S. 35-2-905 against a health care institution that
14 violates this section.

15

16 **Section 2.** W.S. 35-2-905(a) by creating a new
17 paragraph (vi) is amended to read:

18

19 **35-2-905. Conditions, monitoring or revoking a**
20 **license.**

21

22 (a) The division may place conditions upon a license,
23 install a division approved monitor or manager at the

1 owner's or operator's expense, suspend admissions, or deny,
2 suspend or revoke a license issued under this act if a
3 licensee:

4

5 (vi) Violates any provision of W.S. 35-2-122.

6

7 **Section 3.** The department of health shall promulgate
8 all rules necessary to implement this act.

9

10 **Section 4.**

11

12 (a) Except as provided in subsection (b) of this
13 section, this act is effective July 1, 2023.

14

15 (b) Sections 3 and 4 of this act are effective
16 immediately upon completion of all acts necessary for a
17 bill to become law as provided by Article 4, Section 8 of
18 the Wyoming Constitution.

19

20

(END)