

2021 -- S 0055 SUBSTITUTE A

LC000673/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HEALTH AND SAFETY -- HOSPITAL WORKPLACE VIOLENCE
PROTECTION ACT

Introduced By: Senators Ruggerio, Miller, McCaffrey, Goodwin, and Euer

Date Introduced: January 19, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 17.28

4 HOSPITAL WORKPLACE VIOLENCE PROTECTION ACT

5 **23-17.28-1. Short title.**

6 This chapter shall be known and may be cited as the "Hospital Workplace Violence
7 Protection Act."

8 **23-17.28-2. Definitions.**

9 When used in this chapter:

10 (1) "Director" means the director of the Rhode Island department of health.

11 (2) "Hospital" means any institutional health service provider, facility, or institution, place,
12 building, agency, or portion thereof, whether a partnership or corporation, whether public or
13 private, whether organized for profit or not, used, operated, or engaged in providing health care
14 services.

15 (3) "Workplace violence" means any act of violence or threat of violence that occurs at a
16 hospital, except for a lawful act of self-defense or defense of another. The term includes, without
17 limitation, the use or threatened use of physical force against an employee or other provider of care,
18 regardless of whether the employee or other provider of care is physically or psychologically

1 injured.

2 **23-17.28-3. Notification of incident.**

3 (a) Any hospital employee may notify their employer of any violation of law, regulation or
4 standard pertaining to safety and health in the place of employment, at any time an employee learns
5 of a violation.

6 (b) Any employee or representative of the employee may complain to the director, or any
7 authorized representative of the director, regarding any violation of law, regulation or standard
8 pertaining to safety and health in their place of employment, regardless of whether or not the
9 employee has also notified or notifies their employer.

10 (c) Upon receipt of an employee complaint, the director shall notify the hospital, adhering
11 to confidentiality requests pursuant to subsection (d) of this section, and make inquiries,
12 inspections, and investigations that the director considers reasonable and appropriate. When an
13 employee or representative of the employee has complained in writing of an alleged violation and
14 the director, after investigation, determines that no action will or should be taken against the
15 employer, the director shall furnish to the employee or representative of the employee, upon written
16 request, a statement of the reasons for the decision.

17 (d) The director shall establish procedures for keeping confidential the identity of any
18 employee who requests protection of their identity in writing. When a request for confidentiality
19 has been made, neither a written complaint from an employee, or representative of the employee,
20 nor any memorandum, report, or any other writing containing the identity of a complainant may be
21 disclosed.

22 **23-17.28-4. Retaliation prohibited.**

23 It is an unlawful employment practice for any person to bar or discharge from employment
24 or otherwise discriminate against any employee or prospective employee because the employee or
25 prospective employee has:

26 (1) Made any complaint or instituted or caused to be instituted any proceeding under or
27 related to this chapter, or has testified, or is about to testify in any such proceeding; or

28 (2) In good faith reported an assault that occurred on the premises of a hospital.

29 **23-17.28-5. Safety assessments – preventive programs.**

30 (a) All hospitals licensed in the state of Rhode Island shall:

31 (1) Create a workplace safety committee which shall conduct periodic security and safety
32 assessments to identify existing or potential hazards for assaults committed against employees;

33 (2) Develop and implement an assault prevention and protection program for employees
34 based on assessments conducted under subsection (a)(1) of this section; and

1 (3) Provide assault prevention and protection training on a regular and ongoing basis for
2 employees.

3 (b) An assessment conducted under subsection (a)(1) of this section shall include, but need
4 not be limited to:

5 (1) Keeping track of the frequency of assaults committed against employees that occur on
6 the premises of the hospital; and

7 (2) Identifying the causes and consequences of assaults against employees.

8 (c) An assault prevention and protection program developed and implemented by a hospital
9 under subsection (a)(2) of this section shall be based on an assessment conducted under subsection
10 (a)(1) of this section and shall address security considerations related to the following:

11 (1) Physical attributes of the hospital setting;

12 (2) Staffing plans, including security staffing;

13 (3) Personnel policies;

14 (4) First aid and emergency procedures;

15 (5) Procedures for reporting assaults; and

16 (6) Education and training for employees.

17 (d) Assault prevention and protection training required under subsection (a)(3) of this
18 section shall address the following topics:

19 (1) General safety and personal safety procedures;

20 (2) Escalation cycles for assaultive behaviors;

21 (3) Factors that predict assaultive behaviors;

22 (4) Techniques for obtaining medical history from a patient with assaultive behavior;

23 (5) Verbal and physical techniques to de-escalate and minimize assaultive behaviors;

24 (6) Strategies for avoiding physical harm and minimizing use of restraints;

25 (7) Restraint techniques consistent with regulatory requirements;

26 (8) Self-defense, including:

27 (i) The amount of physical force that is reasonably necessary to protect the employee or a
28 third person from assault; and

29 (ii) The use of the least restrictive procedures necessary under the circumstances, in
30 accordance with an approved behavior management plan, and any other methods of response
31 approved by the hospital;

32 (9) Procedures for documenting and reporting incidents involving assaultive behaviors;

33 (10) Programs for post-incident counseling for employees affected by the assaultive
34 behavior and follow-ups as needed;

1 (11) Resources available to employees for coping with assaults; and

2 (12) The hospital's workplace assault prevention and protection program.

3 (e) Hospitals shall provide assault prevention and protection training to a new employee
4 within ninety (90) days of the employee's initial hiring date.

5 (f) A hospital employer may use classes, video recordings, brochures, verbal or written
6 training, or any other training that the employer determines to be appropriate, based on an
7 employee's job duties, under the assault prevention and protection program developed by the
8 employer.

9 (g) At least once every two (2) years, a hospital shall establish, in coordination with the
10 hospital's workplace safety committee, a process by which the committee shall review the
11 hospital's assault prevention and protection program developed and implemented under subsection
12 (a)(2) of this section in order to evaluate the efficacy of the program and consider any changes to
13 the program.

14 **23-17.28-6. Retention of records.**

15 (a) A hospital shall maintain a record of assaults committed against employees that occur
16 on the premises of the hospital. The record shall include, but need not be limited to, the following:

17 (1) The name of the hospital and address of the premises on which each assault occurred;

18 (2) The date, time and specific location where the assault occurred;

19 (3) The name, job title, and department or unit assignment of the employee who was
20 assaulted;

21 (4) A physical description and identity, if known, of the person who committed the assault,
22 and whether the assailant was a patient, visitor, employee or other category;

23 (5) A description of the assaultive behavior as:

24 (i) An assault with mild soreness, surface abrasions, scratches or small bruises;

25 (ii) An assault with major soreness, cuts or large bruises;

26 (iii) An assault with severe lacerations, a bone fracture or a head injury; or

27 (iv) An assault with loss of limb or death;

28 (6) A description of the physical injury;

29 (7) A description of any weapon used;

30 (8) The number of employees and witnesses in the immediate area of the assault when it
31 occurred; and

32 (9) A description of actions taken by the employees and the hospital in response to the
33 assault.

34 (b) A hospital shall maintain the records generated as a result of compliance with

1 subsection (a) of this section for no fewer than five (5) years following any reported incident.

2 (c) Upon the request of an employee directly involved in a reported incident, the hospital
3 shall generate and make available to the requesting employee a full report including the information
4 in the record required under subsection (a), of this section.

5 (d) Upon the request of an employee representative or of a workplace safety committee
6 conducting a review, the hospital shall generate and make available to the requesting party a full
7 report including:

8 (1) The information in the record required under subsection (a) of this section excluding
9 the name of the reporting employee; and

10 (2) Information regarding work-related injuries and illnesses recorded by the hospital to
11 comply with applicable federal health and safety recordkeeping requirements.

12 (e) The director shall adopt by rule a common recording form for the purposes of this
13 section.

14 SECTION 2. This act shall take effect on January 15, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- HOSPITAL WORKPLACE VIOLENCE
PROTECTION ACT

1 This act would establish procedures for employees to file complaints with a hospital or the
2 director of department of health, for any assaultive behavior or other violation of law occurring on
3 hospital grounds and require hospitals to institute safety training for employees.

4 This act would take effect on January 15, 2022.

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