

Violence Against Healthcare Employees

The Act requires hospitals, ambulatory surgical centers, and home health care services to implement strategies to protect health care employees from acts of violence in the workplace. Among many provisions, the Act requires health care employers to:

- Conduct periodic security and safety assessments to identify existing or potential hazards for assaults committed against employees;
- Develop and implement an assault prevention and protection program for employees based on the assessments; and
- Provide assault prevention and protection training on a regular and ongoing basis for employees.

In addition, health care employers are required to maintain a record of assaults committed against employees on the premises of the health care employer or in the home of a patient receiving home health care services.

Submitted as:

Oregon

[HB 2022](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as the “Violence Against Healthcare
2 Employees Act.”

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4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Assault” means intentionally, knowingly or recklessly causing physical injury.

6 (2) “Health care employer” means

7 (a) An ambulatory surgical center as defined in [insert citation].

8 (b) A hospital as defined in [insert citation].

9 (3) “Home health care services” means items or services furnished to a patient by an
10 employee of a health care employer in a place of temporary or permanent residence used as the
11 patient’s home.

12
13 Section 3. [*Security and Safety Assessments, Safety Program and Training*]

14 (A) A health care employer shall:

15 (1) Conduct periodic security and safety assessments to identify existing or
16 potential hazards for assaults committed against employees;

17 (2) Develop and implement an assault prevention and protection program for
18 employees based on assessments conducted under paragraph (1) of this subsection; and

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

21 (B) An assessment conducted under subsection (A)(1) of this section shall include, but
22 need not be limited to:

23 (1) A measure of the frequency of assaults committed against employees that

1 occur on the premises of a health care employer or in the home of a patient receiving home health
2 care services during the preceding five years or for the years that records are available if
3 fewer than five years of records are available; and

4 (2) An identification of the causes and consequences of assaults against
5 employees.

6 (C) An assault prevention and protection program developed and implemented by a health
7 care employer under subsection (A)(2) of this section shall be based on an assessment conducted
8 under subsection (A)(1) of this section and shall address security considerations related
9 to the following:

- 10 (1) Physical attributes of the health care setting;
- 11 (2) Staffing plans, including security staffing;
- 12 (3) Personnel policies;
- 13 (4) First aid and emergency procedures;
- 14 (5) Procedures for reporting assaults; and
- 15 (6) Education and training for employees.

16 (D)(1) Assault prevention and protection training required under subsection (A)(3) of this
17 section shall address the following topics:

- 18 (a) General safety and personal safety procedures;
- 19 (b) Escalation cycles for assaultive behaviors;
- 20 (c) Factors that predict assaultive behaviors;
- 21 (d) Techniques for obtaining medical history from a patient with assaultive
22 behavior;
- 23 (e) Verbal and physical techniques to de-escalate and minimize assaultive
24 behaviors;
- 25 (f) Strategies for avoiding physical harm and minimizing use of restraints;
- 26 (g) Restraint techniques consistent with regulatory requirements;
- 27 (h) Self-defense, including:
 - 28 (i) The amount of physical force that is reasonably necessary to
29 protect the employee or a third person from assault; and
 - 30 (ii) The use of least restrictive procedures necessary under the
31 circumstances, in accordance with an approved behavior management plan, and any other methods
32 of response approved by the health care employer;
- 33 (i) Procedures for documenting and reporting incidents involving
34 assaultive behaviors;
- 35 (j) Programs for post-incident counseling and follow-up;
- 36 (k) Resources available to employees for coping with assaults; and
- 37 l) The health care employer's workplace assault prevention and protection
38 program.

39 (2) A health care employer shall provide assault prevention and protection
40 training to a new employee within 90 days of the employee's initial hiring date.

41 (3) A health care employer may use classes, video recordings, brochures, verbal
42 or written training or other training that the employer determines to be appropriate, based on an
43 employee's job duties, under the assault prevention and protection program developed by the
44 employer.

45 Section 4. *[Maintaining Records of Assaults]*

46 (A) A health care employer shall maintain a record of assaults committed
47 against employees that occur on the premises of the health care employer or in the home
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1 of a patient receiving home health care services. The record shall include, but need not be
2 limited to, the following:

- 3 (1) The name and address of the premises on which each assault occurred;
- 4 (2) The date, time and specific location where the assault occurred;
- 5 (3) The name, job title and department or ward assignment of the employee who
6 was assaulted;
- 7 (4) A description of the person who committed the assault as a patient, visitor,
8 employee or other category;
- 9 (5) A description of the assaultive behavior as:
 - 10 (a) An assault with mild soreness, surface abrasions, scratches or small
11 bruises;
 - 12 (b) An assault with major soreness, cuts or large bruises;
 - 13 (c) An assault with severe lacerations, a bone fracture or a head injury; or
 - 14 (d) An assault with loss of limb or death;
- 15 (6) An identification of the physical injury;
- 16 (7) A description of any weapon used;
- 17 (8) The number of employees in the immediate area of the assault when it
18 occurred; and
- 19 (9) A description of actions taken by the employees and the health care employer
20 in response to the assault.

21 (B) A health care employer shall maintain the record of assaults described in subsection
22 (A) of this section for no fewer than five years following a reported assault.

23 (C) The [insert administering agency] shall adopt by rule a common recording form for the
24 purposes of this section.

25 Section 5. *[Employee Protection]*

26 If a health care employer directs an employee who has been assaulted by a patient on the premises of
27 the health care employer to provide further treatment to the patient, the employee may request that a
28 second employee accompany the employee when treating the patient. If the health care employer
29 declines the employee's request, the health care employer may not require the employee to treat the
30 patient.
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32 Section 6. *[Home Health Employee Protection]*

33 (A) An employee who provides home health care services may refuse to treat
34 a patient unless accompanied by a second employee if, based on the patient's past behavior
35 or physical or mental condition, the employee believes that the patient may assault the employee.
36

37 (B) An employee who provides home health care services may refuse to treat a patient
38 unless the employee is equipped with a communication device that allows the employee to
39 transmit one-way or two-way messages indicating that the employee is being assaulted.
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41 Section 7. *[Employee Use of Self-defense]*

42 (A) A health care employer may not impose sanctions against an employee
43 who used physical force in self-defense against an assault if the health care employer finds
44 that the employee:

- 45 (1) Was acting in self-defense in response to the use or imminent use of physical
46 force;
- 47 (2) Used an amount of physical force that was reasonably necessary to protect the
48 employee or a third person from assault; and
- 49 (3) Used the least restrictive procedures necessary under the circumstances, in

1 accordance with an approved behavior management plan, or other methods of response approved
2 by the health care employer.

3 (B) As used in this section, “self-defense” means the use of physical force upon another
4 person in self-defense or to defend a third person.

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6 Section 8. [*Security and Safety Assessment Requirements*]

7 A health care employer that is required to conduct a periodic security and safety assessment
8 under section 3 of this Act shall conduct its first assessment no later than [insert date].

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10 Section 9. [*Operative Date*]

11 Section 4 of this Act applies only to assaults occurring on or after the operative date specified
12 in section [insert number] of this [insert date] Act.

13
14 Section 10. [*Data Reporting*]

15 (A) No later than [insert date], each health care employer shall provide to the Director of the
16 [insert administering agency] data from the record of assaults compiled under section 4 of this Act
17 for assaults occurring in [insert date].

18 (B) The director shall adopt rules for the reporting of data under subsection (A) of this
19 section. The rules:

20 (1) May not require health care employers to report the names of employees who
21 have been assaulted or the names of patients who have committed assaults; and

22 (2) Shall conform with state and federal laws relating to confidentiality and the
23 protection of health information.

24 (C) No later than [insert date], the director shall analyze the data received under subsection
25 (1) of this section and report the findings to the [insert date] legislature.

26 (D) Nothing in this section restricts the director’s access to or use of information or records
27 otherwise required or permitted under the [state] Safe Employment Act.

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29 Section 11. [*Severability.*] Insert severability clause.

30
31 Section 12 [*Repealer.*] Insert repealer clause.

32
33 Section 13 [*Effective Date.*] Insert effective date.