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**SUBSTITUTE SENATE BILL 5228**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Franklin, Prentice, Benton, Wojahn and Kohl)

Read first time 03/05/97.

1       AN ACT Relating to prevention of workplace violence in health care  
2 settings; adding a new section to chapter 70.41 RCW; adding a new  
3 section to chapter 5.40 RCW; adding a new chapter to Title 49 RCW;  
4 creating a new section; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION.   **Sec. 1.** The legislature finds that:

7       (1) Violence is an escalating problem in many health care settings  
8 in this state and across the nation;

9       (2) Based on an analysis of workers' compensation claims, the  
10 department of labor and industries reports that health care employees  
11 face the highest rate of workplace violence in Washington state;

12       (3) The actual incidence of workplace violence in health care  
13 settings is likely to be greater than documented because of failure to  
14 report or failure to maintain records of incidents that are reported;

15       (4) Patients, visitors, and health care employees should be assured  
16 a reasonably safe and secure environment in health care settings; and

17       (5) Many health care settings have undertaken efforts to assure  
18 that patients, visitors, and employees are safe from violence, but  
19 additional personnel training and appropriate safeguards may be needed

1 to prevent workplace violence and minimize the risk and dangers  
2 affecting people in health care settings.

3 NEW SECTION. **Sec. 2.** For purposes of this chapter:

4 (1) "Health care setting" means:

5 (a) Hospitals as defined in RCW 70.41.020;

6 (b) Home health, hospice, and home care agencies under chapter  
7 70.127 RCW, subject to section 8 of this act;

8 (c) Evaluation and treatment facilities as defined in RCW  
9 71.05.020(17); and

10 (d) Community mental health programs as defined in RCW  
11 71.24.025(8).

12 (2) "Department" means the department of labor and industries.

13 (3) "Employee" means an individual who is regularly employed in a  
14 health care setting whether by way of manual labor or otherwise, but  
15 does not include an individual who is employed sporadically or  
16 temporarily.

17 (4) "Violence" or "violent act" means any physical assault or  
18 verbal threat of physical assault against an employee of a health care  
19 setting.

20 NEW SECTION. **Sec. 3.** (1) By July 1, 1998, each health care  
21 setting shall develop and implement a plan to reasonably prevent and  
22 protect employees from violence at the setting. The plan shall address  
23 security considerations related to the following items, as appropriate  
24 to the particular setting, based upon the hazards identified in the  
25 assessment required under subsection (2) of this section:

26 (a) The physical attributes of the health care setting, including  
27 design and engineering features;

28 (b) Staffing, including security staffing;

29 (c) Personnel policies;

30 (d) First aid and emergency procedures;

31 (e) The reporting of violent acts; and

32 (f) Employee education and training.

33 (2) Before the development of the plan required under subsection  
34 (1) of this section, each health care setting shall conduct a security  
35 and safety assessment to identify existing or potential hazards for  
36 violence and determine the appropriate preventive action to be taken.  
37 The assessment shall include, but is not limited to, a measure of the

1 frequency of, and an identification of the causes for and consequences  
2 of, violent acts at the setting during at least the preceding five  
3 years.

4 (3) In developing the plan required by subsection (1) of this  
5 section, the health care setting shall consider any guidelines on  
6 violence in the workplace or in health care settings issued by the  
7 department of health, the department of social and health services, the  
8 department of labor and industries, the federal occupational safety and  
9 health administration, medicare, and health care setting accrediting  
10 organizations.

11 NEW SECTION. **Sec. 4.** By July 1, 1999, and on a regular basis  
12 thereafter, as set forth in the plan developed under section 3 of this  
13 act, each health care setting shall provide violence prevention  
14 training to all its employees. The training shall address the  
15 following topics, as appropriate to the particular setting and to the  
16 duties and responsibilities of the particular employee being trained,  
17 based upon the hazards identified in the assessment required under  
18 section 3 of this act:

- 19 (1) General safety procedures;
- 20 (2) Personal safety procedures;
- 21 (3) The violence escalation cycle;
- 22 (4) Violence-predicting factors;
- 23 (5) Obtaining patient history from a patient with violent behavior;
- 24 (6) Verbal and physical techniques to de-escalate and minimize  
25 violent behavior;
- 26 (7) Strategies to avoid physical harm;
- 27 (8) Restraining techniques;
- 28 (9) Appropriate use of medications as chemical restraints;
- 29 (10) Documenting and reporting incidents;
- 30 (11) The process whereby employees affected by a violent act may  
31 debrief;
- 32 (12) Any resources available to employees for coping with violence;
- 33 and
- 34 (13) The health care setting's workplace violence prevention plan.

35 NEW SECTION. **Sec. 5.** Beginning no later than July 1, 1998, each  
36 health care setting shall keep a record of any violent act against an

1 employee, a patient, or a visitor occurring at the setting. At a  
2 minimum, the record shall include:

3 (1) The health care setting's name and address;

4 (2) The date, time, and specific location at the health care  
5 setting where the act occurred;

6 (3) The name, job title, department or ward assignment, and staff  
7 identification or social security number of the victim if an employee;

8 (4) A description of the person against whom the act was committed  
9 as:

10 (a) A patient;

11 (b) A visitor;

12 (c) An employee; or

13 (d) Other;

14 (5) A description of the person committing the act as:

15 (a) A patient;

16 (b) A visitor;

17 (c) An employee; or

18 (d) Other;

19 (6) A description of the type of violent act as a:

20 (a) Threat of assault with no physical contact;

21 (b) Physical assault with contact but no physical injury;

22 (c) Physical assault with mild soreness, surface abrasions,  
23 scratches, or small bruises;

24 (d) Physical assault with major soreness, cuts, or large bruises;

25 (e) Physical assault with severe lacerations, a bone fracture, or  
26 a head injury; or

27 (f) Physical assault with loss of limb or death;

28 (7) An identification of any body part injured;

29 (8) A description of any weapon used;

30 (9) The number of employees in the vicinity of the act when it  
31 occurred; and

32 (10) A description of actions taken by employees and the health  
33 care setting in response to the act. Each record shall be kept for at  
34 least five years following the act reported, during which time it shall  
35 be available for inspection by the department upon request.

36 NEW SECTION. **Sec. 6.** Failure of a health care setting to comply  
37 with this chapter shall subject the setting to citation under chapter  
38 49.17 RCW. The department of health and the department of social and

1 health services shall cooperate with the department in the enforcement  
2 of this chapter.

3 NEW SECTION. **Sec. 7.** A health care setting needing assistance to  
4 comply with this act may contact the federal department of labor or the  
5 state department of labor and industries for assistance. The state  
6 departments of labor and industries, social and health services, and  
7 health shall coordinate their assistance to health care settings.

8 NEW SECTION. **Sec. 8.** It is the intent of the legislature that any  
9 violence protection and prevention plan developed under this chapter be  
10 appropriate to the setting in which it is to be implemented. To that  
11 end, the legislature recognizes that not all professional health care  
12 is provided in a facility or other formal setting, such as a hospital.  
13 Many services are provided by home health, hospice, and home care  
14 agencies. The legislature finds that it is inappropriate and  
15 impractical for these agencies to address workplace violence in the  
16 same manner as other, facility-based, health care settings. In  
17 enforcing this chapter as to home health, hospice, and home care  
18 agencies, the department shall be particularly considerate of the  
19 unique circumstances in which these agencies deliver services.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.41 RCW  
21 to read as follows:

22 (1) In complying with chapter 49.-- RCW (sections 2 through 8 of  
23 this act), a hospital, including a public hospital district, may  
24 prohibit any person from carrying a weapon on hospital premises. A  
25 hospital may adopt a policy prohibiting weapons and procedures to  
26 effectuate the policy. The procedure may include reasonable steps to  
27 notify, warn, and if reasonably necessary, disarm persons who enter the  
28 hospital premises carrying a weapon, including removal of the person  
29 from the premises or taking custody of the weapon until the person  
30 leaves the premises. Law enforcement and security personnel may be  
31 exempted from this policy. Weapons that may be prohibited include, but  
32 are not limited to, weapons listed in RCW 9.41.280(1).

33 (2) If a hospital prohibits weapons on hospital premises, it shall  
34 post signs indicating such throughout the premises.

35 (3) This section does not give rise to a cause of action against a  
36 hospital or public hospital district for either prohibiting or not

1 prohibiting weapons on hospital premises. The standard of liability  
2 for a hospital or public hospital district in any cause of action  
3 arising from injuries received due to the presence of weapons on the  
4 hospital or public hospital district premises shall be the same whether  
5 or not the hospital or public hospital district has prohibited weapons.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 5.40 RCW  
7 to read as follows:

8 In any cause of action, whether based in tort, contract or  
9 otherwise, for damages arising from injury or death that is against a  
10 hospital licensed under chapter 70.41 RCW or a public hospital district  
11 authorized under chapter 70.44 RCW, evidence of the hospital or public  
12 hospital district prohibiting or not prohibiting weapons on premises is  
13 not admissible to prove liability for the injury.

14 NEW SECTION. **Sec. 11.** Sections 2 through 8 of this act constitute  
15 a new chapter in Title 49 RCW.

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