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HOUSE BILL 2899

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Conway, Clements, Cody, Cooper and Keiser; by request of Department of Social and Health Services

Read first time 01/24/2000. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to workplace safety in state hospitals; amending  
2 RCW 72.23.010; adding new sections to chapter 72.23 RCW; creating a new  
3 section; and prescribing penalties.

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

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

6 (1) Workplace safety is of paramount importance in state hospitals  
7 for patients and the staff that treat them;

8 (2) Based on an analysis of workers' compensation claims, the  
9 department of labor and industries reports that state hospital  
10 employees face high rates of workplace violence in Washington state;

11 (3) State hospital violence is often related to the nature of the  
12 patients served, people who are both mentally ill and too dangerous for  
13 treatment in their home community, and people whose behavior is driven  
14 by elements of mental illness including desperation, confusion,  
15 delusion, or hallucination;

16 (4) Patients and employees should be assured a reasonably safe and  
17 secure environment in state hospitals;

18 (5) The state hospitals have undertaken efforts to assure that  
19 patients and employees are safe from violence, but additional personnel

1 training and appropriate safeguards may be needed to prevent workplace  
2 violence and minimize the risk and dangers affecting people in state  
3 hospitals; and

4 (6) Duplication and redundancy should be avoided so as to maximize  
5 resources available for patient care.

6 **Sec. 2.** RCW 72.23.010 and 1981 c 136 s 99 are each amended to read  
7 as follows:

8 (~~As used in this chapter, the following terms shall have the~~  
9 ~~following meanings:~~) The definitions in this section apply throughout  
10 this chapter, unless the context clearly requires otherwise.

11 (1) "Court" means the superior court of the state of Washington.

12 (2) "Department" means the department of social and health  
13 services.

14 (3) "Employee" means an employee as defined in RCW 49.17.020.

15 (4) "Licensed physician" means an individual permitted to practice  
16 as a physician under the laws of the state, or a medical officer,  
17 similarly qualified, of the government of the United States while in  
18 this state in performance of his or her official duties.

19 (5) "Mentally ill person" (~~shall~~) means any person who, pursuant  
20 to the definitions contained in RCW 71.05.020, as a result of a mental  
21 disorder presents a likelihood of serious harm to others or himself or  
22 herself or is gravely disabled.

23 (6) "Patient" (~~shall~~) means a person under observation, care, or  
24 treatment in a state hospital, or a person found mentally ill by the  
25 court, and not discharged from a state hospital, or other facility, to  
26 which such person had been ordered hospitalized.

27 (~~"Licensed physician" shall mean an individual permitted to~~  
28 ~~practice as a physician under the laws of the state, or a medical~~  
29 ~~officer, similarly qualified, of the government of the United States~~  
30 ~~while in this state in performance of his official duties.))~~

31 (7) "Resident" means a resident of the state of Washington.

32 (8) "Secretary" means the secretary of social and health services.

33 (9) "State hospital" (~~shall~~) means any hospital, including a  
34 child study and treatment center, operated and maintained by the state  
35 of Washington for the care of the mentally ill.

36 (10) "Superintendent" (~~shall~~) means the superintendent of a state  
37 hospital.

38 (~~"Court" shall mean the superior court of the state of Washington.~~

1 ~~"Resident" shall mean a resident of the state of Washington.))~~

2 (11) "Violence" or "violent act" means any physical assault against  
3 an employee or patient of a state hospital.

4 Wherever used in this chapter, the masculine shall include the  
5 feminine and the singular shall include the plural.

6 NEW SECTION. Sec. 3. (1) By November 1, 2000, each state hospital  
7 shall develop a plan, for implementation by January 1, 2001, to  
8 reasonably prevent and protect employees from violence at the state  
9 hospital. The plan shall address security considerations related to  
10 the following items, as appropriate to the particular state hospital,  
11 based upon the hazards identified in the assessment required under  
12 subsection (2) of this section:

- 13 (a) The physical attributes of the state hospital;
- 14 (b) Staffing, including security staffing;
- 15 (c) Personnel policies;
- 16 (d) First aid and emergency procedures;
- 17 (e) The reporting of violent acts; and
- 18 (f) Employee education and training.

19 (2) Before the development of the plan required under subsection  
20 (1) of this section, each state hospital shall conduct a security and  
21 safety assessment to identify existing or potential hazards for  
22 violence and determine the appropriate preventive action to be taken.  
23 The assessment shall include, but is not limited to a measure of the  
24 frequency of, and a review of available information on contributing  
25 factors and consequences of violent acts at the state hospital during  
26 at least the preceding year.

27 (3) In developing the plan required by subsection (1) of this  
28 section, the state hospital may consider any guidelines on violence in  
29 the workplace or in the state hospital issued by the department of  
30 health, the department of social and health services, the department of  
31 labor and industries, the federal occupational safety and health  
32 administration, medicare, and state hospital accrediting organizations.

33 NEW SECTION. Sec. 4. By January 1, 2001, and on a regular basis  
34 thereafter, as set forth in the plan developed under section 3 of this  
35 act, each state hospital shall provide violence prevention training to  
36 all its affected employees as determined by the plan. The training  
37 shall occur prior to assignment to a patient unit, and in addition to

1 his or her ongoing training as determined by the plan. The training  
2 may vary by the plan and may include, but is not limited to, classes,  
3 videotapes, brochures, verbal training, or other verbal or written  
4 training that is determined to be appropriate under the plan. The  
5 training shall address the following topics, as appropriate to the  
6 particular setting and to the duties and responsibilities of the  
7 particular employee being trained, based upon the hazards identified in  
8 the assessment required under section 3 of this act:

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

25 NEW SECTION. **Sec. 5.** Beginning no later than July 1, 2000, each  
26 state hospital shall keep a record of any violent act against an  
27 employee or a patient occurring at the state hospital. Each record  
28 shall be kept for at least five years following the act reported during  
29 which time it shall be available for inspection by the department of  
30 labor and industries upon request. At a minimum, the record shall  
31 include:

- 32 (1) Necessary information for the state hospital to comply with the  
33 requirements of chapter 49.17 RCW related to employee injury that may  
34 include:
  - 35 (a) A full description of the violent act;
  - 36 (b) When the violent act occurred;
  - 37 (c) Where the violent act occurred;
  - 38 (d) To whom the violent act occurred;

- 1 (e) Who perpetrated the violent act;
- 2 (f) The nature of the injury;
- 3 (g) Weapons used;
- 4 (h) Number of witnesses; and
- 5 (i) Action taken by the state hospital in response to the injury;
- 6 and

7 (2) Necessary information for the state hospital to comply with  
8 current and future expectations of the joint commission on hospital  
9 accreditation related to patient injury which may include:

- 10 (a) The nature of the violent act;
- 11 (b) When the violent act occurred;
- 12 (c) To whom it occurred; and
- 13 (d) The nature and severity of the injury.

14 NEW SECTION. **Sec. 6.** Failure of a state hospital to comply with  
15 this chapter shall subject the hospital to citation under chapter 49.17  
16 RCW.

17 NEW SECTION. **Sec. 7.** A state hospital needing assistance to  
18 comply with this chapter may contact the department of labor and  
19 industries for assistance. The state departments of labor and  
20 industries, social and health services, and health shall collaborate  
21 with representatives of state hospitals to develop technical assistance  
22 and training seminars on plan development and implementation, and shall  
23 coordinate their assistance to state hospitals.

24 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act are each  
25 added to chapter 72.23 RCW.

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