

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2899

56th Legislature
2000 Regular Session

Passed by the House February 11, 2000
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate February 29, 2000
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2899** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2899

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Clements, Cody, Cooper and Keiser; by request of Department of Social and Health Services)

Read first time 02/03/2000. Referred to Committee on .

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 or
3 attempted physical assault against an employee or patient of a state
4 hospital.

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

7 NEW SECTION. Sec. 3. (1) By November 1, 2000, each state hospital
8 shall develop a plan, for implementation by January 1, 2001, to
9 reasonably prevent and protect employees from violence at the state
10 hospital. The plan shall be developed with input from the state
11 hospital's safety committee, which includes representation from
12 management, unions, nursing, psychiatry, and key function staff as
13 appropriate. The plan shall address security considerations related to
14 the following items, as appropriate to the particular state hospital,
15 based upon the hazards identified in the assessment required under
16 subsection (2) of this section:

17 (a) The physical attributes of the state hospital including access
18 control, egress control, door locks, lighting, and alarm systems;

19 (b) Staffing, including security staffing;

20 (c) Personnel policies;

21 (d) First aid and emergency procedures;

22 (e) Reporting violent acts, taking appropriate action in response
23 to violent acts, and follow-up procedures after violent acts;

24 (f) Development of criteria for determining and reporting verbal
25 threats;

26 (g) Employee education and training; and

27 (h) Clinical and patient policies and procedures including those
28 related to smoking; activity, leisure, and therapeutic programs;
29 communication between shifts; and restraint and seclusion.

30 (2) Before the development of the plan required under subsection
31 (1) of this section, each state hospital shall conduct a security and
32 safety assessment to identify existing or potential hazards for
33 violence and determine the appropriate preventive action to be taken.
34 The assessment shall include, but is not limited to analysis of data on
35 violence and worker's compensation claims during at least the preceding
36 year, input from staff and patients such as surveys, and information
37 relevant to subsection (1)(a) through (h) of this section.

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

7 (4) The plan must be evaluated, reviewed, and amended as necessary,
8 at least annually.

9 NEW SECTION. **Sec. 4.** By July 1, 2001, and at least annually
10 thereafter, as set forth in the plan developed under section 3 of this
11 act, each state hospital shall provide violence prevention training to
12 all its affected employees as determined by the plan. Initial training
13 shall occur prior to assignment to a patient unit, and in addition to
14 his or her ongoing training as determined by the plan. The training
15 may vary by the plan and may include, but is not limited to, classes,
16 videotapes, brochures, verbal training, or other verbal or written
17 training that is determined to be appropriate under the plan. The
18 training shall address the following topics, as appropriate to the
19 particular setting and to the duties and responsibilities of the
20 particular employee being trained, based upon the hazards identified in
21 the assessment required under section 3 of this act:

- 22 (1) General safety procedures;
- 23 (2) Personal safety procedures and equipment;
- 24 (3) The violence escalation cycle;
- 25 (4) Violence-predicting factors;
- 26 (5) Obtaining patient history for patients with violent behavior or
27 a history of violent acts;
- 28 (6) Verbal and physical techniques to de-escalate and minimize
29 violent behavior;
- 30 (7) Strategies to avoid physical harm;
- 31 (8) Restraining techniques;
- 32 (9) Documenting and reporting incidents;
- 33 (10) The process whereby employees affected by a violent act may
34 debrief;
- 35 (11) Any resources available to employees for coping with violence;
- 36 (12) The state hospital's workplace violence prevention plan;
- 37 (13) Use of the intershift reporting process to communicate between
38 shifts regarding patients who are agitated; and

1 (14) Use of the multidisciplinary treatment process or other
2 methods for clinicians to communicate with staff regarding patient
3 treatment plans and how they can collaborate to prevent violence.

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

11 (1) Necessary information for the state hospital to comply with the
12 requirements of chapter 49.17 RCW related to employees that may
13 include:

- 14 (a) A full description of the violent act;
- 15 (b) When the violent act occurred;
- 16 (c) Where the violent act occurred;
- 17 (d) To whom the violent act occurred;
- 18 (e) Who perpetrated the violent act;
- 19 (f) The nature of the injury;
- 20 (g) Weapons used;
- 21 (h) Number of witnesses; and
- 22 (i) Action taken by the state hospital in response to the violence;

23 and

24 (2) Necessary information for the state hospital to comply with
25 current and future expectations of the joint commission on hospital
26 accreditation related to violence perpetrated upon patients which may
27 include:

- 28 (a) The nature of the violent act;
- 29 (b) When the violent act occurred;
- 30 (c) To whom it occurred; and
- 31 (d) The nature and severity of any injury.

32 NEW SECTION. **Sec. 6.** Failure of a state hospital to comply with
33 this chapter shall subject the hospital to citation under chapter 49.17
34 RCW.

35 NEW SECTION. **Sec. 7.** A state hospital needing assistance to
36 comply with sections 3 through 5 of this act may contact the department

1 of labor and industries for assistance. The state departments of labor
2 and industries, social and health services, and health shall
3 collaborate with representatives of state hospitals to develop
4 technical assistance and training seminars on plan development and
5 implementation, and shall coordinate their assistance to state
6 hospitals.

7 NEW SECTION. **Sec. 8.** The department shall provide an interim
8 report on the progress of the plan development to the legislature by
9 July 1, 2000, and a copy of the completed plan by November 1, 2000.
10 The department shall thereafter provide an annual report to the
11 legislature on its efforts to reduce violence in the state hospitals
12 not later than September 1st of each year.

13 NEW SECTION. **Sec. 9.** Sections 3 through 8 of this act are each
14 added to chapter 72.23 RCW.

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