

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5312

56th Legislature
1999 Regular Session

Passed by the Senate April 22, 1999
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 15, 1999
YEAS 92 NAYS 4

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5312** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5312

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles)

Read first time 02/22/1999.

1 AN ACT Relating to prevention of workplace violence in health care
2 settings; adding a new chapter to Title 49 RCW; creating new sections;
3 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) Violence is an escalating problem in many health care settings
7 in this state and across the nation;

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

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

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

16 (5) Many health care settings have undertaken efforts to assure
17 that patients, visitors, and employees are safe from violence, but
18 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(8); 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 employee as defined in RCW 49.17.020.

14 (4) "Violence" or "violent act" means any physical assault or
15 verbal threat of physical assault against an employee of a health care
16 setting.

17 NEW SECTION. **Sec. 3.** (1) By July 1, 2000, each health care
18 setting shall develop and implement a plan to reasonably prevent and
19 protect employees from violence at the setting. The plan shall address
20 security considerations related to the following items, as appropriate
21 to the particular setting, based upon the hazards identified in the
22 assessment required under subsection (2) of this section:

23 (a) The physical attributes of the health care setting;

24 (b) Staffing, including security staffing;

25 (c) Personnel policies;

26 (d) First aid and emergency procedures;

27 (e) The reporting of violent acts; and

28 (f) Employee education and training.

29 (2) Before the development of the plan required under subsection
30 (1) of this section, each health care setting shall conduct a security
31 and safety assessment to identify existing or potential hazards for
32 violence and determine the appropriate preventive action to be taken.
33 The assessment shall include, but is not limited to, a measure of the
34 frequency of, and an identification of the causes for and consequences
35 of, violent acts at the setting during at least the preceding five
36 years or for the years records are available for assessments involving
37 home health, hospice, and home care agencies.

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

8 NEW SECTION. **Sec. 4.** By July 1, 2001, and on a regular basis
9 thereafter, as set forth in the plan developed under section 3 of this
10 act, each health care setting shall provide violence prevention
11 training to all its affected employees as determined by the plan. The
12 training shall occur within ninety days of the employee's initial
13 hiring date unless he or she is a temporary employee. For temporary
14 employees, training would take into account unique circumstances. The
15 training may vary by the plan and may include, but is not limited to,
16 classes, videotapes, brochures, verbal training, or other verbal or
17 written training that is determined to be appropriate under the plan.
18 The 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;
- 24 (3) The violence escalation cycle;
- 25 (4) Violence-predicting factors;
- 26 (5) Obtaining patient history from a patient with violent behavior;
- 27 (6) Verbal and physical techniques to de-escalate and minimize
28 violent behavior;
- 29 (7) Strategies to avoid physical harm;
- 30 (8) Restraining techniques;
- 31 (9) Appropriate use of medications as chemical restraints;
- 32 (10) Documenting and reporting incidents;
- 33 (11) The process whereby employees affected by a violent act may
34 debrief;
- 35 (12) Any resources available to employees for coping with violence;
- 36 and
- 37 (13) The health care setting's workplace violence prevention plan.

1 NEW SECTION. **Sec. 5.** Beginning no later than July 1, 2000, each
2 health care setting shall keep a record of any violent act against an
3 employee, a patient, or a visitor occurring at the setting. At a
4 minimum, the record shall include:

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

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

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

10 (4) A description of the person against whom the act was committed
11 as:

12 (a) A patient;

13 (b) A visitor;

14 (c) An employee; or

15 (d) Other;

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

17 (a) A patient;

18 (b) A visitor;

19 (c) An employee; or

20 (d) Other;

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

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

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

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

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

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

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

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

31 (8) A description of any weapon used;

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

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

1 NEW SECTION. **Sec. 6.** Failure of a health care setting to comply
2 with this chapter shall subject the setting to citation under chapter
3 49.17 RCW.

4 NEW SECTION. **Sec. 7.** A health care setting needing assistance to
5 comply with this chapter may contact the federal department of labor or
6 the state department of labor and industries for assistance. The state
7 departments of labor and industries, social and health services, and
8 health shall collaborate with representatives of health care settings
9 to develop technical assistance and training seminars on plan
10 development and implementation, and shall coordinate their assistance
11 to health care settings.

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

25 NEW SECTION. **Sec. 9.** (1) State hospitals, as defined in RCW
26 72.23.010, shall comply with all the requirements of sections 1 through
27 3 and 5 through 8 of this act.

28 (2) By July 1, 2001, and on a regular basis thereafter, as set
29 forth in the plan developed under section 3 of this act, each state
30 hospital shall provide violence prevention training to all its affected
31 employees as determined by the plan. Each employee shall receive
32 violence prevention training prior to providing patient care, in
33 addition to his or her ongoing training as determined by the plan. The
34 training may vary by the plan and may include, but is not limited to,
35 classes, videotapes, brochures, verbal training, or other verbal or
36 written training that is determined to be appropriate under the plan.

1 The training shall address the topics provided in section 4 of this
2 act, as appropriate to the particular setting and to the duties and
3 responsibilities of the particular employee being trained, based upon
4 the hazards identified in the assessment required under section 3 of
5 this act.

6 NEW SECTION. **Sec. 10.** If specific funding for purposes of section
7 9 of this act, referencing this act by bill and section number or
8 chapter and section number, is not provided by June 30, 1999, in the
9 omnibus appropriations act, section 9 of this act is null and void.

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

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