

Sample State Legislation to Address Violence Against Health Care Workers

I. Examples of State Laws Requiring Hospitals to Establish Violence Prevention Programs:

Nevada [AB 348](#) (Enacted 2019)

- It creates a Nevada OSHA standard to require health care employers to create comprehensive workplace violence prevention plans.
- The definition of workplace violence must include any act of violence or threats of violence, regardless of whether an employee was injured.
- The plans must be unit specific and created in collaboration between employers and employees.
- The plans must delineate how employers will implement appropriate and effective prevention measures such as staffing, security response, alarms, sufficient lighting, and other measures.
- The plans must include procedures for employees to report all incidents of workplace violence without fear of reprisal.
- Employers must provide effective training programs including hands on de-escalation training for all employees with patient contact.
- The bill requires that health care employers keep records of all workplace violence incidents and report certain incidents to the Department of Industrial Relations.

Oregon [SB 823](#) (Enacted 2019)

- Health care employers must conduct security and safety evaluation to identify factors that may cause violence against employees
- At least every other year, health care employers must work with their workplace safety committee in reviewing their assault prevention and protection program.
- Makes it an unlawful employment practice to discipline health care employees who in good faith report an assault.
- (The bill amends existing law that already requires health care employers to provide assault prevention and protection training and track the frequency of assaults against employees, among other provisions.)

Washington [HB 1931](#) (Enacted 2019)

- The law mandates that health care facilities identify security risks within certain units
- Employers must offer training on de-escalation techniques and define expected processes and expected interventions when a violent act occurs
- Requires record keeping of violent acts, including a description of the perpetrator, the act itself and the employees in the vicinity.
- (The bill amends existing law that requires a violence prevention plan, violence prevention training of all employees, and requires record keeping of violent acts against an employee, among other provisions.)

Illinois [HB 4100](#) (Enacted 2018)

- Health care providers are required to create a workplace violence prevention program.
- Health care employers also must post notices stating that verbal aggression will not be tolerated and that physical assault will be reported to law enforcement.
- Health care employers are required to offer immediate post-incident services to assaulted health care workers. Such services include acute treatment and access to psychological services.
- Employers cannot discourage health care workers from contacting law enforcement or filing a police report because of a workplace violence incident. If a health care worker files a police report against a patient or individual because of workplace violence, they are required to provide notice to management within three days after filing the report. Requires that the Illinois Whistleblower Act applies to health care providers and their employees with respect to actions taken to implement or enforce compliance with the Health Care Violence Prevention Act.

California [Regulations on Violence Prevention in Health Care](#) (adopted 2016)

- Cal/OSHA unanimously adopted a workplace violence prevention standard for health care workers, becoming the first state to implement regulations of this kind. Requires health care employers to implement a violent incident log and maintain records of workplace violence incidents and training. Health care employers must also implement a workplace violence prevention plan, an annual review of the plan, and effective training that addresses workplace violence risks.

II. Examples of State Laws Increasing Penalties for Assaulting Health Care Workers:

South Dakota [HB 1293](#) (Enacted 2018)

- Increases penalties for assaulting health care workers by treating them the same as assaults against police officers, firefighters, and ambulance service personnel.

Hawaii [HB 1906](#) (Enacted 2018)

- Increases severity of assault charges for assaulting health care workers; by adding them to existing law that levies the same charge for assaulting police officers and others.

Oklahoma Statute [“Assault and Battery Upon Emergency Medical Care Providers”](#)

- Stand alone statute addressing emergency care providers.
- Assault of emergency health care providers is a felony punishable by up to two years in prison and a fine up to \$1000.

Utah Statute [“Assault Against and Health Care Provider and Emergency Medical Service Worker”](#)

- Standalone statute related to penalties for assaulting health care and EMS personnel.
- Makes assault a Class A misdemeanor, but a third-degree felony if assault causes “substantial bodily injury and the assailant acted knowingly.