

1-1 By: Campbell, Johnson S.B. No. 240  
1-2 (In the Senate - Filed November 16, 2022; February 15, 2023,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; March 20, 2023, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; March 20, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to workplace violence prevention in certain health  
1-20 facilities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 4, Health and Safety Code, is amended by  
1-23 adding Subtitle H to read as follows:

1-24 SUBTITLE H. HEALTH FACILITY EMPLOYEES

1-25 CHAPTER 331. WORKPLACE VIOLENCE PREVENTION

1-26 Sec. 331.001. DEFINITIONS. In this chapter:

1-27 (1) "Commission" means the Health and Human Services  
1-28 Commission.

1-29 (2) "Committee" means the workplace violence  
1-30 prevention committee or other committee responsible for developing  
1-31 a facility's workplace violence prevention plan under Section  
1-32 331.002.

1-33 (3) "Facility" means:

1-34 (A) a home and community support services agency  
1-35 licensed or licensed and certified under Chapter 142 to provide  
1-36 home health services as defined by Section 142.001 that employs at  
1-37 least two registered nurses;

1-38 (B) a hospital licensed under Chapter 241 and a  
1-39 hospital maintained or operated by an agency of this state that is  
1-40 exempt from licensing under that chapter;

1-41 (C) a nursing facility licensed under Chapter 242  
1-42 that employs at least two registered nurses;

1-43 (D) an ambulatory surgical center licensed under  
1-44 Chapter 243;

1-45 (E) a freestanding emergency medical care  
1-46 facility as defined by Section 254.001; and

1-47 (F) a mental hospital licensed under Chapter 577.

1-48 Sec. 331.002. WORKPLACE VIOLENCE PREVENTION COMMITTEE. (a)  
1-49 Each facility shall establish a workplace violence prevention  
1-50 committee or authorize an existing facility committee to develop  
1-51 the workplace violence prevention plan required under Section  
1-52 331.004.

1-53 (b) A committee must include at least:

1-54 (1) one registered nurse who provides direct care to  
1-55 patients of the facility; and

1-56 (2) one facility employee who provides security  
1-57 services for the facility if any and if practicable.

1-58 (c) A health care system that owns or operates more than one  
1-59 facility may establish a single committee for all of the system's  
1-60 facilities if:

1-61 (1) the committee develops a violence prevention plan

2-1 for implementation at each facility in the system; and  
 2-2 (2) data related to violence prevention remains  
 2-3 distinctly identifiable for each facility in the system.

2-4 Sec. 331.003. WORKPLACE VIOLENCE PREVENTION POLICY. (a) A  
 2-5 facility shall adopt, implement, and enforce a written workplace  
 2-6 violence prevention policy in accordance with this section to  
 2-7 protect health care providers and employees from violent behavior  
 2-8 and threats of violent behavior occurring at the facility.

2-9 (b) The workplace violence prevention policy must:

2-10 (1) require the facility to:

2-11 (A) provide significant consideration of the  
 2-12 violence prevention plan recommended by the facility's committee;  
 2-13 and

2-14 (B) evaluate any existing facility violence  
 2-15 prevention plan;

2-16 (2) encourage health care providers and employees of  
 2-17 the facility to provide confidential information on workplace  
 2-18 violence to the committee;

2-19 (3) include a process to protect from retaliation  
 2-20 facility health care providers or employees who provide information  
 2-21 to the committee; and

2-22 (4) comply with commission rules relating to workplace  
 2-23 violence.

2-24 Sec. 331.004. WORKPLACE VIOLENCE PREVENTION PLAN. (a) A  
 2-25 facility shall adopt, implement, and enforce a written workplace  
 2-26 violence prevention plan in accordance with this section to protect  
 2-27 health care providers and employees from violent behavior and  
 2-28 threats of violent behavior occurring at the facility.

2-29 (b) A facility's workplace violence prevention plan must:

2-30 (1) be based on the practice setting;

2-31 (2) adopt a definition of "workplace violence" that  
 2-32 includes:

2-33 (A) an act or threat of physical force against a  
 2-34 health care provider or employee that results in, or is likely to  
 2-35 result in, physical injury or psychological trauma; and

2-36 (B) an incident involving the use of a firearm or  
 2-37 other dangerous weapon, regardless of whether a health care  
 2-38 provider or employee is injured by the weapon;

2-39 (3) require the facility to provide at least annually  
 2-40 workplace violence prevention training or education that may be  
 2-41 included in other required training or education provided to the  
 2-42 facility's health care providers and employees, including  
 2-43 temporary employees, who provide direct patient care;

2-44 (4) prescribe a system for responding to and  
 2-45 investigating violent incidents or potentially violent incidents  
 2-46 at the facility;

2-47 (5) address physical security and safety;

2-48 (6) require the facility to solicit information from  
 2-49 health care providers and employees when developing and  
 2-50 implementing a workplace violence prevention plan;

2-51 (7) require health care providers and employees to  
 2-52 report incidents of workplace violence through the facility's  
 2-53 existing occurrence reporting systems; and

2-54 (8) require the facility to adjust patient care  
 2-55 assignments, to the extent practicable, to prevent a health care  
 2-56 provider or employee of the facility from treating or providing  
 2-57 services to a patient who has intentionally physically abused or  
 2-58 threatened the provider or employee.

2-59 (c) The written workplace violence prevention plan may  
 2-60 satisfy the requirements of Subsection (b) by referencing other  
 2-61 internal facility policies and documents.

2-62 (d) A committee at least annually shall:

2-63 (1) review and evaluate the workplace violence  
 2-64 prevention plan; and

2-65 (2) report the results of the evaluation to the  
 2-66 governing body of the facility.

2-67 (e) Each facility shall make available on request an  
 2-68 electronic or printed copy of the facility's workplace violence  
 2-69 prevention plan to each health care provider or employee of the

3-1 facility. If the committee determines the plan contains information  
3-2 that would pose a security threat if made public, the committee may  
3-3 redact that information before providing the plan.

3-4 Sec. 331.005. RESPONDING TO INCIDENT OF WORKPLACE VIOLENCE.

3-5 (a) Following an incident of workplace violence, a facility shall  
3-6 at a minimum offer immediate post-incident services, including any  
3-7 necessary acute medical treatment for each health care provider or  
3-8 employee of the facility who is directly involved in the incident.

3-9 (b) A facility may not discourage a health care provider or  
3-10 employee from exercising the provider's or employee's right to  
3-11 contact or file a report with law enforcement regarding an incident  
3-12 of workplace violence.

3-13 (c) A person may not discipline, including by suspension or  
3-14 termination of employment, discriminate against, or retaliate  
3-15 against another person who:

3-16 (1) in good faith reports an incident of workplace  
3-17 violence; or

3-18 (2) advises a health care provider or employee of the  
3-19 provider's or employee's right to report an incident of workplace  
3-20 violence.

3-21 Sec. 331.006. ENFORCEMENT. An appropriate licensing agency  
3-22 may take disciplinary action against a person who violates this  
3-23 chapter as if the person violated an applicable licensing law.

3-24 SECTION 2. Not later than September 1, 2024, a facility  
3-25 subject to Chapter 331, Health and Safety Code, as added by this  
3-26 Act, shall adopt a workplace violence prevention policy and adopt  
3-27 and implement a workplace violence prevention plan in accordance  
3-28 with Sections 331.003 and 331.004, Health and Safety Code, as added  
3-29 by this Act.

3-30 SECTION 3. This Act takes effect September 1, 2023.

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