

# SENATE . . . . . No. 2130

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act requiring health care employers to develop and implement programs to prevent workplace violence.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 149 of the General Laws, as appearing in the 2012 Official Edition,  
2 is hereby amended by inserting after section 129D, the following new section:-

3           Section 129E. (a) As used in this section, the following words shall have the following  
4 meanings:-

5           “Employee”, an individual employed by a health care employer as defined in this section.

6           “Health care employer”, any individual, partnership, association, corporation or, trust or  
7 any person or group of persons operating a health care facility as defined in this section and  
8 employing five or more employees.

9           “Health care facility”, an individual, partnership, association, corporation or trust or any  
10 person or group of persons that employs health care providers, including any hospital, clinic,  
11 convalescent or nursing home, charitable home for the aged, community health agency or other  
12 provider of health care services licensed, or subject to licensing by, or operated by the  
13 department of public health; any state hospital operated by the department; any facility as  
14 defined in section 3 of chapter 111B; any private, county or municipal facility, department or  
15 unit which is licensed or subject to licensing by the department of mental health pursuant to  
16 section 19 of chapter 19, or by the department of developmental services pursuant to section 15  
17 of chapter 19B; any facility as defined in section 1 of chapter 123; the Soldiers' Home in  
18 Holyoke, the Soldiers' Home in Chelsea; or any facility as set forth in section 1 of chapter 19 or  
19 section 1 of chapter 19B.

(b) Each health care employer shall annually perform a risk assessment, in cooperation with the employees of the health care employer and any labor organization or organizations representing the employees, all factors, which may put any of the employees at risk of workplace assaults and homicide. The factors shall include, but not be limited to: working in public settings; guarding or maintaining property or possessions; working in high-crime areas; working late night or early morning hours; working alone or in small numbers; uncontrolled public access to the workplace; working in public areas where people are in crisis; working in areas where a patient or resident may exhibit violent behavior; working in areas with known security problems and working with a staffing pattern insufficient to address foreseeable risk factors.

(c) Based on the findings of the risk assessment, the health care employer shall develop and implement a program to minimize the danger of workplace violence to employees, which shall include appropriate employee training and a system for the ongoing reporting and monitoring of incidents and situations involving violence or the risk of violence. Employee training shall include, in addition to all employer training program policies, methods of reporting to appropriate public safety officials, bodies or agencies and processes necessary for the filing of criminal charges., Each health care employer shall develop a written violence prevention plan. The health care employer shall make the plan available to each employee and provide the plan to any of its employees upon their request. The health care employer shall provide the plan to any labor organization or organizations representing any of its employees. The plan shall include: (i) a list of those factors and circumstances that may pose a danger to employees; (ii) a description of the methods that the health care employer will use to alleviate hazards associated with each factor; including, but not limited to, employee training and any appropriate changes in job design, staffing, security, equipment or facilities; and (iii) a description of the reporting and monitoring system.

(d) Each health care employer shall designate a senior manager responsible for the development and support of an in-house crisis response team for employee-victims of workplace violence. Said team shall implement an assaulted staff action program that includes, but is not limited to, group crisis interventions, individual crisis counseling, staff victims' support groups, employee victims' family crisis intervention, peer-help and professional referrals.

(e) The commissioner of labor shall adopt rules and regulations necessary to implement the purposes of this act. The rules and regulations shall include such guidelines as the commissioner deems appropriate regarding workplace violence prevention programs required pursuant to this act, and related reporting and monitoring systems and employee training.

(f) Any health care employer who violates any rule, regulation or requirement made by the department under authority hereof shall be punished by a fine of not more than \$2,000 for each offense. The attorney general shall enforce the provisions of this section and of any regulation promulgated thereunder in accordance with the provisions of section 2 of this chapter.

57           (g) No employee shall be penalized by a health care employer in any way as a result of  
58 such employee's filing of a complaint or otherwise providing notice to the department in regard  
59 to the occupational health and safety of such employee or their fellow employees exposed to  
60 workplace violence risk factors.