

SENATE No. 1313

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring health care employers to develop and implement programs to prevent workplace violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>12/17/2015</i>

SENATE No. 1313

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1313) of James E. Timilty, Chris Walsh, Barbara L'Italien, Mary S. Keefe and other members of the General Court for legislation to require health care employers to develop and implement programs to prevent workplace violence. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1187 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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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.

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

29 (c) Based on the findings of the risk assessment, the health care employer shall develop
30 and implement a program to minimize the danger of workplace violence to employees, which
31 shall include appropriate employee training and a system for the ongoing reporting and

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

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

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

53 (f) Any health care employer who violates any rule, regulation or requirement made by
54 the department under authority hereof shall be punished by a fine of not more than \$2,000 for
55 each offense. The attorney general shall enforce the provisions of this section and of any
56 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.