
DIGEST

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HB 312 Engrossed

2022 Regular Session

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Abstract: Establishes duties and requirements of certain licensed healthcare facilities and the La. Department of Health with respect to addressing and preventing healthcare workplace violence.

Proposed law provides that, for its purposes, "regulated entity" means any licensed healthcare facility listed in present law, R.S. 40:2006(A)(2); a federally qualified health center as defined in present law; a pharmacy permitted in accordance with present law; and any healthcare provider's office at which patients are treated that is not otherwise licensed by the state but provides healthcare services delivered by a licensee of a healthcare professional licensing board created in present law.

Proposed law provides that, for its purposes, "workplace violence" means violent acts, including battery or the intentional placing of another person in reasonable apprehension of sustaining battery, directed toward persons at work or on duty with their employment.

Proposed law requires every regulated entity to display at its premises at least one sign which indicates that abuse or assault of healthcare staff will not be tolerated and could result in a felony conviction under present law, R.S. 14:38 or other applicable criminal laws. Requires that each such sign shall conform with the following specifications:

- (1) The sign shall be posted in a conspicuous location in a publicly accessible area of the facility.
- (2) The sign shall be at least 18 inches tall and 18 inches wide.
- (3) The sign shall be written in the English language in letters not less than one square inch in size.

Proposed law requires the La. Department of Health (LDH) to develop, publish, and maintain public information regarding the issue of healthcare workplace violence on its website. Provides that such information shall include, at a minimum, all of the following:

- (1) A listing of best practices, toolkits, and resources on the issue of healthcare workplace violence from governmental and private authorities including, without limitation, the Occupational Safety and Health Administration and the Joint Commission.
- (2) Actions that healthcare facilities can take and policies that such facilities can adopt to prevent, respond to, report, and mitigate healthcare workplace violence.

Proposed law requires every regulated entity to develop and maintain a workplace violence prevention plan. Provides specifications for elements and minimum content of such plans. Authorizes LDH to prescribe additional required content for such plans beyond the material specifically required by proposed law.

Proposed law requires every regulated entity to maintain its workplace violence prevention plan in effect at all times, and to orient all of its permanent and temporary employees to its plan workplace violence prevention plan.

Proposed law requires every regulated entity to report to the proper authority any instance of workplace violence that occurs on its property.

Proposed law prohibits regulated entities from taking any retaliatory action against a person who, in good faith, reports an allegation or instance of workplace violence. Provides that no regulated entity shall prohibit an employee from, or take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

Proposed law prohibits regulated entities from discharging, demoting, suspending, threatening, or harassing an employee, or discriminating against an employee in the terms and conditions of his employment, because of any lawful act engaged in by the employee, or taken on behalf of the employee, in reporting to law enforcement a crime or allegation involving workplace violence at the entity's facility. Stipulates that the employee protections provided for in proposed law shall be in addition to, and shall not replace, any protections conferred by present law relating to labor and employment.

Proposed law authorizes LDH to take action against any license it has issued to a regulated entity or an owner of a regulated entity's facility, up to and including license revocation, to enforce the provisions of proposed law. Provides that with respect to enforcement of proposed law, LDH shall adopt administrative rules and regulations to provide for all of the following:

- (1) Penalties associated with violations of particular provisions of proposed law.
- (2) Notice to a licensed healthcare facility of a violation.
- (3) An informal reconsideration process.
- (4) An appeal procedure including judicial review.

(Amends the heading of Part XIII of Chapter 11 of Title 40 of the La. Revised Statutes of 1950 and R.S. 40:2199(A)(1); Adds R.S. 40:2199.11-2199.19)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the

original bill:

1. Delete from proposed law all instances of the defined term "licensed healthcare facility" and replace the term with "regulated entity", defined as any licensed healthcare facility listed in present law, R.S. 40:2006(A)(2); a federally qualified health center as defined in present law; a pharmacy permitted in accordance with present law; and any healthcare provider's office at which patients are treated that is not otherwise licensed by the state but provides healthcare services delivered by a licensee of a healthcare professional licensing board created in present law.
2. Revise the definition of the term "workplace violence" for purposes of proposed law such that the term would mean violent acts, including battery or the intentional placing of another person in reasonable apprehension of sustaining battery, directed toward persons at work or on duty with their employment.
3. Delete proposed law requiring LDH to promulgate in rule the content requirements for workplace violence prevention plans.