

RÉSUMÉ DIGEST

ACT 461 (HB 312)

2022 Regular Session

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New law provides that, for its purposes, "regulated entity" means any licensed healthcare facility listed in existing law (R.S. 40:2006(A)(2)); a federally qualified health center; a licensed pharmacy; and any office of a healthcare provider at which five or more healthcare professionals, as defined in existing law (R.S. 14:34.8(B)), treat patients and such office is not otherwise licensed by the state but provides healthcare services delivered by a licensee of a healthcare professional licensing board created in existing law.

New 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.

New 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 existing law providing for the crime of simple assault (R.S. 14:38) or other applicable criminal laws. Requires that the signs 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 by 18 inches wide and written in the English language with letters not less than one square inch in size.

New law requires the La. Department of Health (LDH) to develop, publish, and maintain on its website public information regarding the issue of healthcare workplace violence. 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.
- (3) A checklist of items for regulated entities to consider when developing a workplace violence prevention plan.

New 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 new law.

New 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 the plan.

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

New 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.

New 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 new

law shall be in addition to, and shall not replace, any protections conferred by existing law relating to labor and employment.

New 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 new law. Provides that with respect to enforcement of new law, LDH shall adopt administrative rules and regulations to provide for all of the following:

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

New law provides that new law shall be known and may be cited as the "Lynne Truxillo Act".

Effective August 1, 2022.

(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)