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## DIGEST

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HB 312 Original

2022 Regular Session

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**Abstract:** Establishes duties and requirements of 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, "licensed healthcare facility" means any of the following facilities which are licensed by the state pursuant to applicable provisions of present law or otherwise defined or recognized in present law:

A hospital and any clinic or other offsite patient care facility thereof; a nursing home; an end stage renal disease facility; an adult brain injury facility; an adult day health care provider; an ambulatory surgical center; a facility licensed as a behavioral health services provider; a community-based care facility; an adult residential care provider; a trauma center; an outpatient abortion facility; an intermediate care facility for people with developmental disabilities; a crisis receiving center; a free-standing birth center; a hospice facility; a pediatric day health care facility; a federally qualified health center; a rural health clinic; a pain management clinic; a pharmacy; any primary care clinic, pediatric clinic, urgent care clinic, or physician's office at which patients are treated that is not licensed by the state but is owned wholly or in part by a licensee of a healthcare professional licensing board created in present law; and any other facility licensed by the La. Department of Health which has as its primary purpose the delivery of health services to patients or clients.

Proposed law provides that, for its purposes, "workplace violence" means violent acts, including physical assaults and threats of assaults, directed toward persons at work or on duty with their employment.

Proposed law requires every licensed healthcare facility 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 licensed healthcare facility 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. Requires the department to promulgate in rule the content requirements for such plans.

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

Proposed law prohibits licensed healthcare facilities from taking any retaliatory action against a person who, in good faith, reports an instance of workplace violence. Provides that no Medicare- or Medicaid-certified facility 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 licensed healthcare facilities 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 involving workplace violence at the 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 licensed healthcare facility or an owner of such a 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)