

GREEN SHEET REDIGEST

HB 312

2022 Regular Session

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**HEALTH CARE/PROVIDERS: Enacts reforms to address workplace violence in healthcare settings**

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DIGEST

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 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) For a regulated entity with five or fewer providers, the sign shall be at least 8 ½ inches tall by 11 inches wide and written in the English language with letters that may be less than one square inch in size.
- (3) For a regulated entity with more than five providers, 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

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 the 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 the 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.

Proposed law requires every regulated entity to develop and maintain a workplace violence prevention plan. Provides specifications for elements and minimum content of the plans. Authorizes LDH to prescribe additional required content for the 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 the 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 regulated entity of a violation.
- (3) An informal reconsideration process.
- (4) An appeal procedure including judicial review.

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

(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.

The House Floor Amendments to the engrossed bill:

1. Provide that proposed law shall be known and may be cited as the "Lynne Truxillo Act".
2. Make a technical change.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Specifies the requirements of the sign relative to the number of providers at a regulated entity.
2. Requires LDH to provide a checklist for the development of a workplace violence prevention plan.