

CONFERENCE COMMITTEE REPORT

HB 312

2022 Regular Session

Dustin Miller

June 1, 2022

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 312 by Representative Dustin Miller, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments (#3068) be adopted.
- 2. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 3, line 2, after "and any" delete the remainder of the line and insert in lieu thereof the following:

"office of a healthcare provider at which five or more healthcare professionals, as defined in R.S. 14:34.8(B), treat patients and such office"

AMENDMENT NO. 2

On page 3, at the beginning of line 3, delete "patients are treated that"

AMENDMENT NO. 3

In Senate Committee Amendment No. 1 by the Senate Committee on Health and Welfare (#3068), on page 1, line 2, after "22" delete the comma "," and delete the remainder of the line and insert in lieu thereof "in their entirety and insert in lieu thereof the following:"

AMENDMENT NO. 4

In Senate Committee Amendment No. 1 by the Senate Committee on Health and Welfare (#3068), on page 1, delete lines 3 through 7 in their entirety and insert in lieu thereof the following:

""(2) The sign shall"

Respectfully submitted,

Representative Dustin Miller

Senator Fred H. Mills Jr.

Representative Lawrence A. "Larry" Bagley

Senator Gerald Boudreaux

Representative Vincent J. Pierre

Senator Patrick McMath

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and onliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Revise specifications for signage required by proposed law warning against healthcare workplace violence.
2. Add to the online information that proposed law requires LDH to publish a checklist of items for regulated entities to consider when developing a workplace violence prevention plan.

Report amends the bill to:

1. Exempt from the definition of "regulated entity" provided in proposed law, and thus exempt from the requirements of proposed law, any healthcare provider's office at which fewer than five healthcare professionals, as defined in present law (R.S. 14:34.8(B)), treat patients.
2. Eliminate from Senate amendments provisions referring to regulated entities with fewer than five providers.

Digest of the bill as proposed by the Conference Committee

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; a licensed pharmacy; and any office of a healthcare provider at which five or more healthcare professionals, as defined in present 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 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 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.

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.
- (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 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 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)