

As Introduced

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Representative Weinstein

Cosponsors: Representatives Russo, Miranda, Miller, A., Sheehy, Troy, Brent, Upchurch, Jarrells, Liston, Humphrey, Blackshear, Lepore-Hagan, Leland, Miller, J., Crossman, Galonski, Smith, M., West, Davis, Brown, Sweeney, Smith, K., Ingram

A BILL

To enact sections 4107.01, 4107.02, 4107.03, 1
4107.04, 4107.05, 4107.06, 4107.07, 4107.08, and 2
4107.09 of the Revised Code regarding workplace 3
violence in a health care setting. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4107.01, 4107.02, 4107.03, 5
4107.04, 4107.05, 4107.06, 4107.07, 4107.08, and 4107.09 of the 6
Revised Code be enacted to read as follows: 7

Sec. 4107.01. As used in this chapter: 8

(A) "Health care setting employer" means an employer that 9
owns or operates any of the following: 10

(1) An ambulatory surgical facility or health care 11
facility as defined in section 3702.30 of the Revised Code; 12

(2) A maternity unit or newborn care nursery as defined in 13
section 3711.01 of the Revised Code, but only until September 14
30, 2024; 15

(3) A maternity home as defined in section 3711.01 of the Revised Code; 16
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(4) A hospice care program or pediatric respite care program as defined in section 3712.01 of the Revised Code; 18
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(5) A nursing home or residential care facility as defined in section 3721.01 of the Revised Code; 20
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(6) A hospital as defined in section 3722.01 of the Revised Code; 22
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(7) A plasmapheresis center as defined in section 3725.01 of the Revised Code; 24
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(8) A home health agency as defined in section 3740.01 of the Revised Code. 26
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(B) "Health care staffing agency" means a person that is engaged in the business of providing or procuring, for a fee, temporary staff for a health care setting employer. 28
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(C) "Employee" means any individual who performs a service for wages or other remuneration for a health care setting employer. 31
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(D) "Workplace violence" means any physical assault or verbal threat of physical assault against an employee at any location where the employee is performing services for the health care setting employer. 34
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Sec. 4107.02. (A) Not later than six months after the effective date of this section, each health care setting employer shall develop and implement a plan to prevent and protect employees from workplace violence. Each health care setting employer shall review and make necessary updates to the plan at least every three years. 38
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(B) The health care setting employer, in the plan 44
developed under division (A) of this section, shall outline 45
strategies aimed at addressing security considerations and 46
factors that may contribute to or prevent the risk of workplace 47
violence, including all of the following: 48

(1) The physical attributes of the health care setting, 49
including security systems, alarms, emergency response, and 50
security personnel available; 51

(2) Staffing, including staffing patterns, patient 52
classifications, and procedures to mitigate employee time spent 53
working in areas at high risk for workplace violence; 54

(3) Job design, equipment, and facilities; 55

(4) First aid and emergency procedures; 56

(5) The reporting of workplace violence; 57

(6) Employee education and training requirements and 58
implementation strategy; 59

(7) Security risks associated with specific units, areas 60
of the facility with uncontrolled access, late night or early 61
morning shifts, and employee security in areas surrounding the 62
facility such as employee parking areas; 63

(8) Processes and expected interventions to provide 64
assistance to an employee directly affected by workplace 65
violence. 66

(C) Not later than one year after implementation of the 67
plan developed under division (A) of this section, and every 68
year thereafter, each health care setting employer shall 69
complete an annual review of the frequency of incidents of 70
workplace violence including identifying the causes for and 71

consequences of workplace violence at the setting and any 72
emerging issues that contribute to workplace violence. The 73
employer shall adjust the plan developed under division (A) of 74
this section as necessary based on the annual review. 75

(D) In developing the plan required under division (A) of 76
this section, the health care setting employer shall consider 77
any guidelines on violence in the workplace or in health care 78
settings issued by the department of health, the bureau of 79
workers' compensation, the United States occupational safety and 80
health administration, the United States department of health 81
and human services, and health care setting accrediting 82
organizations. 83

(E) Each health care setting employer shall consult with 84
and consider the views of the following individuals in 85
developing, reviewing, and updating the plan required under this 86
section: 87

(1) Employees; 88

(2) Management; 89

(3) Security personnel who work on the premises of the 90
health care setting, if applicable. 91

(F) Each health care setting employer shall submit the 92
plan developed under division (A) of this section to the 93
director of health on completion of the initial plan. Each 94
health care setting employer shall resubmit the plan to the 95
director after any significant changes are made to the plan. 96

Sec. 4107.03. (A) Not later than ninety days after 97
implementation of the plan developed under section 4107.02 of 98
the Revised Code, and on a regular basis as determined by the 99
plan thereafter, each health care setting employer shall provide 100

<u>workplace violence prevention training to all of the following</u>	101
<u>individuals:</u>	102
<u>(1) Employees;</u>	103
<u>(2) Volunteers;</u>	104
<u>(3) Contracted security personnel;</u>	105
<u>(4) Individuals who are employed by a health care staffing</u>	106
<u>agency and who perform services for the health care setting</u>	107
<u>employer.</u>	108
<u>(B) Training shall occur not later than ninety days after</u>	109
<u>an individual's initial start date.</u>	110
<u>(C) The method and frequency of training may vary</u>	111
<u>according to the information and strategies identified in the</u>	112
<u>plan developed under section 4107.02 of the Revised Code, except</u>	113
<u>that an employee must receive training at least annually.</u>	114
<u>(1) Training may include any of the following:</u>	115
<u>(a) Classes that provide an opportunity for interactive</u>	116
<u>questions and answers;</u>	117
<u>(b) Hands-on training;</u>	118
<u>(c) Video training;</u>	119
<u>(d) Brochures;</u>	120
<u>(e) Verbal training;</u>	121
<u>(f) Other verbal or written training that is determined to</u>	122
<u>be appropriate under the plan.</u>	123
<u>(2) The employer shall address all of the following topics</u>	124
<u>in the training, as appropriate to the particular setting and to</u>	125
<u>the duties and responsibilities of the particular individual</u>	126

<u>being trained, based on the hazards identified under the plan:</u>	127
<u>(a) The health care setting's workplace violence</u>	128
<u>prevention plan;</u>	129
<u>(b) General safety procedures;</u>	130
<u>(c) Violence predicting behaviors and factors;</u>	131
<u>(d) The violence escalation cycle;</u>	132
<u>(e) De-escalation techniques to minimize violent behavior;</u>	133
<u>(f) Strategies to prevent physical harm with hands-on</u>	134
<u>practice or role play;</u>	135
<u>(g) Response team processes;</u>	136
<u>(h) Proper application and use of restraints, both</u>	137
<u>physical and chemical;</u>	138
<u>(i) Documentation and reporting incidents;</u>	139
<u>(j) The debrief process for affected individuals following</u>	140
<u>workplace violence;</u>	141
<u>(k) Resources available to individuals for coping with the</u>	142
<u>effects of workplace violence;</u>	143
<u>(l) Information about the legal remedies available to</u>	144
<u>victims of workplace violence.</u>	145
<u>(3) If the training consists of video training or</u>	146
<u>brochures as allowed under divisions (C) (1) (c) and (d) of this</u>	147
<u>section, the training shall include at least one of the other</u>	148
<u>training methods described in divisions (C) (1) (a), (b), (e), and</u>	149
<u>(f) of this section.</u>	150
<u>Sec. 4107.04. Each health care setting employer shall make</u>	151
<u>a record of any workplace violence or any violent act against a</u>	152

<u>patient or a visitor occurring at the setting. The employer</u>	153
<u>shall submit each record to the director of health within</u>	154
<u>seventy-two hours after the employer is made aware of the</u>	155
<u>workplace violence or violent act. The employer shall keep the</u>	156
<u>record for at least five years following the reported violence,</u>	157
<u>during which time it shall be available for inspection by the</u>	158
<u>director on request. At a minimum, the employer shall include</u>	159
<u>all of the following in the record:</u>	160
<u>(A) The employer's name and address;</u>	161
<u>(B) The date, time, and specific location where the</u>	162
<u>violence occurred;</u>	163
<u>(C) The job title and department or ward assignment of the</u>	164
<u>victim if the victim is an employee;</u>	165
<u>(D) A description of the individual against whom the</u>	166
<u>violence was committed as one of the following:</u>	167
<u>(1) A patient;</u>	168
<u>(2) A visitor;</u>	169
<u>(3) An employee;</u>	170
<u>(4) Other.</u>	171
<u>(E) A description of the individual committing the</u>	172
<u>violence as one of the following:</u>	173
<u>(1) A patient;</u>	174
<u>(2) A visitor;</u>	175
<u>(3) An employee;</u>	176
<u>(4) Other.</u>	177
<u>(F) A description of the type of violence as one of the</u>	178

<u>following:</u>	179
<u>(1) A threat of assault with no physical contact;</u>	180
<u>(2) A physical assault with contact but no physical injury;</u>	181
<u>(3) A physical assault with mild soreness, surface abrasions, scratches, or small bruises;</u>	183
<u>(4) A physical assault with major soreness, cuts, or large bruises;</u>	184
<u>(5) A physical assault with severe lacerations, a bone fracture, or a head injury;</u>	185
<u>(6) A physical assault with loss of limb or death.</u>	186
<u>(G) An identification of any body part injured;</u>	187
<u>(H) A description of any weapon used;</u>	188
<u>(I) The number of employees in the vicinity of the violence when it occurred;</u>	189
<u>(J) A description of actions taken by any employee and the employer in response to the violence.</u>	190
<u>Sec. 4107.05. An employee may report incidents of workplace violence and violations of this chapter to the director of health.</u>	191
<u>Sec. 4107.06. No health care setting employer shall discriminate in any manner against an employee because the employee has done any of the following:</u>	192
<u>(A) Reported workplace violence to the employer, the director of health, or any law enforcement agency;</u>	193
<u>(B) Testified, assisted, or participated in any manner in</u>	194
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<u>any investigation, proceeding, or hearing under this chapter.</u>	205
<u>Sec. 4107.07. (A) The director of health shall do all of</u>	206
<u>the following:</u>	207
<u>(1) Enforce the requirements of this chapter;</u>	208
<u>(2) Adopt rules under Chapter 119. of the Revised Code as</u>	209
<u>necessary to carry out this chapter, including rules to set</u>	210
<u>forth the procedures by which the department will conduct</u>	211
<u>investigations and hearings on allegations of violations of this</u>	212
<u>chapter;</u>	213
<u>(3) Investigate any health care setting employer who</u>	214
<u>allegedly has violated this chapter;</u>	215
<u>(4) Establish and maintain a system for a health care</u>	216
<u>setting employer to electronically submit the records required</u>	217
<u>to be sent to the director under section 4107.04 of the Revised</u>	218
<u>Code;</u>	219
<u>(5) Establish and maintain a system for employees to</u>	220
<u>electronically submit reports of workplace violence and</u>	221
<u>violations of this chapter as allowed under section 4107.05 of</u>	222
<u>the Revised Code;</u>	223
<u>(6) Prepare an annual statistical report that summarizes</u>	224
<u>the records and reports received by the director under sections</u>	225
<u>4107.04 and 4107.05 of the Revised Code from the past year;</u>	226
<u>(7) Make the report required under division (A) (6) of this</u>	227
<u>section available to the public on the internet web site</u>	228
<u>maintained by the department of health;</u>	229
<u>(8) Beginning five years after the effective date of this</u>	230
<u>section, and every five years thereafter, submit the reports</u>	231
<u>required under division (A) (6) of this section from the</u>	232

preceding five years to the chairpersons of the standing 233
committees of the senate and the house of representatives 234
responsible for hearing health care-related legislation. 235

(B) The report required under division (A)(6) of this 236
section shall not contain any personally identifiable 237
information about an employee, victim, or any other individual. 238

(C) As soon as practicable after receiving the reports 239
under division (A)(8) of this section, the members of the 240
standing committees of the senate and the house of 241
representatives responsible for hearing health care-related 242
legislation shall review the reports and consider potential 243
legislative solutions to reduce violence in health care 244
settings. 245

Sec. 4107.08. If, after an investigation, the director of 246
health determines that reasonable evidence exists that a health 247
care setting employer who holds a license or certificate issued 248
by the department of health violated this chapter, the director 249
may, in accordance with Chapter 119. of the Revised Code, do 250
both of the following: 251

(A) Impose a reasonable fine against the license or 252
certificate holder; 253

(B) For second and subsequent violations, revoke, suspend, 254
or refuse to renew the license or certificate. 255

Sec. 4107.09. (A) If, after an investigation, the director 256
of health determines that reasonable evidence exists that a 257
health care setting employer who does not hold a license or 258
certificate issued by the department of health has violated this 259
chapter, the director shall send a written notice to that 260
employer in the same manner as prescribed in section 119.07 of 261

the Revised Code for licensees. 262

(B) The director shall hold a hearing regarding the 263
alleged violation in the same manner prescribed for an 264
adjudication hearing under section 119.09 of the Revised Code. 265

(C) If the director, after the hearing, determines a 266
violation has occurred, the director may impose a reasonable 267
fine on the employer. 268

(D) The director's determination is an order that the 269
employer may appeal in accordance with section 119.12 of the 270
Revised Code. 271

(E) If the director assesses a civil penalty for a 272
violation under this section and the employer fails to pay that 273
civil penalty within thirty days after the director issues the 274
order imposing the fine, the director shall forward to the 275
attorney general the name of the employer and the amount of the 276
civil penalty for the purpose of collecting that civil penalty. 277
In addition to the civil penalty assessed pursuant to this 278
section, the employer also shall pay any fee assessed by the 279
attorney general for collection of the civil penalty. 280