

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 452

Representatives White, Baker

A BILL

To amend section 3727.18; to amend, for the purpose
of adopting a new section number as indicated in
parentheses, section 3727.18 (3727.182); and to
enact new section 3727.18 and sections 109.7411,
3333.96, and 3727.181 of the Revised Code
regarding hospital violence prevention and
related training, security plans, and incident
reporting.

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

Section 1. That section 3727.18 be amended; section
3727.18 (3727.182) be amended for the purpose of adopting a new
section number as indicated in parentheses; and new section
3727.18 and sections 109.7411, 3333.96, and 3727.181 of the
Revised Code be enacted to read as follows:

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Sec. 109.7411. The attorney general shall adopt, in
accordance with Chapter 119. or pursuant to section 109.74 of
the Revised Code, rules permitting security personnel employed
directly by a hospital system, or a hospital that is not part of
a hospital system, access to any online training that meets the
requirements of division (B) (4) of section 3727.18 of the

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Revised Code and is available under sections 109.741 to 109.7410 20
of the Revised Code, or otherwise provided by the Ohio peace 21
officer training academy or at approved peace officer training 22
schools other than the Ohio peace officer training academy. 23

Sec. 3333.96. The department of higher education, jointly 24
with the department of health, shall survey colleges and 25
universities that provide education and training to students 26
seeking to become health care providers, including medical 27
students, nursing students, and allied health students, to 28
determine the extent to which the education and training 29
provided to those students address the prevention of workplace 30
violence and management of aggressive behaviors. The survey 31
shall include a determination of whether de-escalation, conflict 32
management, and risk identification and assessment are part of 33
the education and training. 34

Based on the survey, the chancellor of higher education 35
shall make recommendations and prepare a report for the general 36
assembly. The report shall be provided in accordance with 37
section 101.68 of the Revised Code. 38

Sec. 3727.18. (A) Each hospital system, and each hospital 39
that is not part of a hospital system, shall establish a 40
security plan for preventing workplace violence and managing 41
aggressive behaviors. In developing the plan, the hospital 42
system or hospital shall involve a team that includes its health 43
care employees who provide direct patient care. 44

(B) All of the following apply to a security plan 45
established under this section: 46

(1) The plan shall be based on the results of a security 47
risk assessment, which, in the case of a hospital system, shall 48

be conducted for each hospital in the system. The assessment 49
shall address all high-risk areas of the hospital, including its 50
emergency department and psychiatric department, if the hospital 51
has such departments. The assessment shall be conducted in 52
consultation with the medical and nursing directors of each 53
department or other high-risk area that is assessed. The 54
assessment shall consider any trauma level designation held by 55
the hospital, overall patient volume, psychiatric and forensic 56
patient volume, past incidents of violence against staff and 57
levels of injury resulting from those incidents, and rates of 58
crime in the community. 59

(2) The plan shall include an option for health care 60
employees who provide direct patient care to request a first 61
name only identification badge. 62

(3) The plan shall require at least one hospital employee 63
trained in de-escalation practices to be present at all times in 64
the hospital's emergency department and psychiatric department, 65
if the hospital has such departments. The plan may require such 66
an employee to be present in other high-risk areas that were 67
part of the hospital's risk assessment. Additionally, based on 68
the risk assessment, the plan shall address whether hospital 69
police officers, trained security personnel, or off-duty law 70
enforcement officers are required to be present in the 71
hospital's high-risk areas, including the hospital's emergency 72
department and psychiatric department, if any. 73

(4) The plan shall outline training requirements for 74
security personnel regarding all of the following: 75

(a) The potential use of and response to weapons; 76

(b) Defensive tactics; 77

<u>(c) De-escalation techniques;</u>	78
<u>(d) Appropriate physical restraint and seclusion techniques;</u>	79 80
<u>(e) Crisis intervention;</u>	81
<u>(f) Trauma-informed approaches;</u>	82
<u>(g) Safely addressing situations involving patients, family members, or other individuals who pose a risk of self-harm or harm to others.</u>	83 84 85
<u>(5) The plan shall include guidelines, developed jointly with local law enforcement authorities, outlining when law enforcement officers remain with a patient who has demonstrated violence or poses a risk of self-harm or harm to others.</u>	86 87 88 89
<u>(C) Each hospital system and hospital that establishes a security plan pursuant to this section shall review and evaluate the plan on an annual basis. In conducting the review and evaluation, the hospital system or hospital shall involve the team that includes health care employees who are involved in developing the security plan under this section. If it is determined from the review and evaluation that revisions to the plan are required, the hospital system or hospital shall revise the plan accordingly.</u>	90 91 92 93 94 95 96 97 98
<u>(D) As part of licensure under Chapter 3722. of the Revised Code, all hospital systems and hospitals shall submit to the department of health, in a manner designated by the department, verification of compliance with both of the following:</u>	99 100 101 102 103
<u>(1) Sections 3727.18 to 3727.182 of the Revised Code;</u>	104
<u>(2) Any related requirements that are required as part of</u>	105

the accreditation process of the hospital system's or hospital's 106
accrediting agency. 107

(E) Notwithstanding any provision of the Revised Code to 108
the contrary, both of the following are confidential and not 109
public records under section 149.43 of the Revised Code: 110

(1) Security plans developed under this section and their 111
annual revisions; 112

(2) Information submitted to the department under division 113
(D) of this section. 114

(F) The director of health may adopt rules as necessary to 115
implement this section and section 3727.181 of the Revised Code. 116
Any rules shall be adopted under Chapter 119. of the Revised 117
Code. 118

Notwithstanding any provision of section 121.95 of the 119
Revised Code to the contrary, a regulatory restriction contained 120
in a rule adopted under this section is not subject to sections 121
121.95 to 121.953 of the Revised Code. 122

Sec. 3727.181. Each hospital system, and each hospital 123
that is not part of a hospital system, shall establish a 124
workplace violence incident reporting system, which shall be 125
documented, tracked, and analyzed. The results of the analysis 126
shall be used to make improvements in preventing workplace 127
violence and managing aggressive behaviors, including 128
improvements achieved through continuing education in targeted 129
areas such as de-escalation training, risk identification, and 130
prevention planning. 131

The reporting system shall be clearly communicated to 132
employees and shall include guidelines for when and how to 133
report incidents to the employer, security agencies, law 134

enforcement authorities, local emergency service organizations, 135
or government agencies. 136

Each hospital system, and each hospital that is not part 137
of a hospital system, shall adopt a policy that prohibits any 138
person from discriminating or retaliating against any health 139
care employee for reporting to, or seeking assistance or 140
intervention from, the employer, security agencies, law 141
enforcement authorities, local emergency service organizations, 142
or government agencies, or for participating in an incident 143
investigation. 144

All hospital systems and hospitals shall use their 145
reporting systems to track the following: the number of 146
incidents reported through their respective reporting systems; 147
the number of incidents reported to law enforcement authorities, 148
including those reported to a hospital police department; and 149
the number of individuals involved in the incidents who are 150
criminally charged as a result. The data shall be shared with 151
the team that includes health care employees who are involved in 152
developing the security plan under section 3727.18 of the 153
Revised Code. 154

Sec. ~~3727.18~~ 3727.182. (A) ~~Any hospital may~~ All hospitals 155
shall post the notice described in division (B) of this section 156
in accordance with this division. ~~A Each hospital that decides~~ 157
~~to post the notice~~ shall consider posting it the notice in a 158
conspicuous location in all of the following areas: 159

(1) Major waiting room areas, including the waiting room 160
areas of the emergency department, the labor and delivery 161
department, the surgical department or unit, and the intensive 162
care unit; 163

(2) The main entrance to the hospital; 164

(3) Any other area that the hospital determines to be 165
appropriate. 166

(B) A notice posted pursuant to division (A) of this 167
section shall include, at a minimum, all of the following 168
statements and information: 169

"WE WILL NOT TOLERATE 170
any form of threatening or 171
aggressive behavior 172
toward our staff. 173
Assaults against our staff might 174
result in a felony conviction. 175
All staff have the right to carry out 176
their work without fearing for their safety." 177

Section 2. That existing section 3727.18 of the Revised 178
Code is hereby repealed. 179

Section 3. In the case of a hospital system, or a hospital 180
that is not part of a hospital system, that exists on the 181
effective date of this section, the hospital system or hospital 182
shall do both of the following not later than three months after 183
that date: 184

(A) Comply with section 3727.18 of the Revised Code by 185
establishing a security plan for preventing workplace violence 186
and managing aggressive behaviors and by submitting a copy of 187
the plan to the Department of Health; 188

(B) Comply with section 3727.181 of the Revised Code by 189

establishing a workplace violence incident reporting system.

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