

CHAPTER 140**(SB 59)**

AN ACT relating to safety for state social workers, declaring an emergency, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

In honor of Boni Frederick who lost her life in the performance of her official duties, Sections 1, 3, 4, 5, and 6 of this Act, and the amendments made to KRS 194A.065 in this Act shall be known as the "Boni Frederick Bill."

Section 2. KRS 194A.065 is amended to read as follows:

For the purposes of this section, "front-line staff" means an employee of the Division of Service Regions of the Department for Community Based Services or the immediate supervisor of an employee whose professional duties include ongoing adult or child protective services, protective services investigations or assessments, or regularly conducting interviews, visits, contacts, or providing transportation services or other services in the homes of family members involved in adult or child protective services.

- (1) The Cabinet for Health and Family Services, the Department of Juvenile Justice, the Department of Corrections, the Administrative Office of the Courts, and the Kentucky State Police shall be responsible for the recording of those data elements that are needed for the development of the centralized criminal history record information system.
- (2) The database shall at a minimum contain the information required in KRS 27A.310 to 27A.440.
- (3) The Cabinet for Health and Family Services shall provide access to the Kentucky State Police, the Department of Corrections, the Department of Juvenile Justice, and the Administrative Office of the Courts to its database.
- (4) ***The cabinet secretary and the secretary of the Justice Cabinet shall establish communications, policies, and procedures to enable designated cabinet staff of the Department for Community Based Services who are working on a protective services investigation or an ongoing protective services case to request a state criminal background check, and within a reasonable time frame, but no later than one (1) hour after receipt of a request, to have the state criminal background check sent to designated cabinet staff. Designated cabinet staff may request a state criminal background check at any time for a protective services investigation and may use the state criminal background check to assess staff safety concerns.***
- (5) ***The Cabinet for Health and Family Services shall prioritize the safety needs of the front-line staff of the Department for Community Based Services and provide improvements in accordance with this section and Sections 3, 4, and 6 of this Act.***

SECTION 3. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO READ AS FOLLOWS:

- (1) ***Each staff member of the department shall report to his or her supervisor any physical or verbal conduct of a client or an individual associated with a client that appears to be threatening or menacing, and any incident of assault, attempted assault, or physical contact that appears to be threatening to any staff member. Any use or threat of use of any type of weapon shall be reported. The supervisor shall report threat or incident information to the commissioner of the department or his or her designee. An employee who reports under this subsection shall be protected from reprisals pursuant to KRS 61.102.***
- (2) ***The department shall establish and maintain an information system and track all reports of threats or incidents involving violence against department staff as required by subsection (1) of this section. The department shall provide, upon request, the number and type of reports received and any information available regarding civil or criminal action or changes to policies and procedures resulting from threats or incidents of violence upon staff.***
- (3) ***The department shall designate or establish a safety liaison position within its central office and in each regional office. The regional administrator may designate or establish a safety liaison position in each county office. The duties of the central office safety liaison shall include but not be limited to:***
 - (a) ***Development and implementation of policies and procedures related to the prevention of violence in the office and in community settings;***
 - (b) ***Screening and assessment of the level of threat for professional-client interactions;***

- (c) *Facilitation of safety training and safety and first alert protocols with all law enforcement agencies that work with each county office. Existing multidisciplinary teams may be utilized in the development of local safety protocols; and*
- (d) *Administration of a Web-based social worker safety site and a threat and violence incident database.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

The cabinet shall conduct risk assessments on all local offices of the Division of Service Regions of the Department for Community Based Services and remediate the office environments that do not provide adequate safety and protection for cabinet staff to the extent possible with consideration of office space lease arrangements and availability of funding for office renovations.

SECTION 5. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

The cabinet secretary shall designate a study group composed of personnel within the Department for Community Based Services' field services staff and any other persons deemed necessary to make recommendations regarding personnel classifications for state agency social workers. The study group shall include in its deliberations, but is not limited to, special personnel designations that would permit or require specialized personal safety training and other requirements that reflect the sometimes dangerous nature of official job duties of state agency social workers. The study group shall report its recommendations by November 15, 2007, to the Governor and the Interim Joint Committees on Appropriations and Revenue and Health and Welfare.

SECTION 6. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

Front-line staff may request a risk or safety assessment prior to an investigation or delivery of services in a community setting. The direct supervisor of the requesting front-line staff and the safety liaison officer if a safety liaison officer position is designated for the county shall conduct the safety or risk assessment. If the situation warrants the accompaniment of front-line staff by a local law enforcement officer, the supervisor shall make the request to the local law enforcement agency.

Section 7. The Secretary of the Cabinet for Health and Family Services shall have the authority to declare a state of extraordinary circumstances upon a finding that the safety of social workers in the Commonwealth is in serious jeopardy. The secretary shall submit the declaration to the Governor for certification. Upon certification by the Governor, the secretary may then request approval from the Governor for funds not to exceed \$6,000,000 in fiscal biennium 2006-2008 to be deemed a necessary governmental expense. Upon approval by the Governor, funds not to exceed \$6,000,000 shall be transferred from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) to the cabinet to address immediate safety needs of front line staff which shall be expended in the following manner: \$2,500,000 in General Fund moneys to fill front line staff positions; and \$3,500,000 in General Fund moneys for updates to the office space used by the Department for Community Based Services, Division of Service Regions, to procure emergency alert technology for front line staff, and to provide safe and appropriate family visits for children in the custody of the cabinet on the premises of the cabinet. In no event shall funds transferred as necessary governmental expense exceed \$6,000,000. The transfer of any funds pursuant to this section shall be subject to the provisions and notification requirements of KRS 48.630. Moneys appropriated pursuant to this section shall be placed in a trust and agency account to be used for the purposes set forth in this section. Moneys appropriated for the personnel purposes set forth in this section shall be included in the department's base funding for fiscal biennium 2008-2010, and any new positions shall be in addition to the personnel cap in effect on July 1, 2006. The cabinet shall submit monthly updates to the Interim Joint Committees on Appropriations and Revenue and Health and Welfare on expenditures made pursuant to this section.

Section 8. Whereas the social workers employed by the Commonwealth of Kentucky are subject to dangerous circumstances, and children and citizens of the Commonwealth deserve an adequate response to allegations of adult or child abuse, neglect, or exploitation, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved April 5, 2007.