

1 AN ACT relating to workplace violence against health care professionals.

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

3 ➔Section 1. KRS 216.701 is amended to read as follows:

4 As used in **KRS 216.701 to 216.709**~~[this chapter]:~~

5 (1) **"Cabinet" means the Cabinet for Health and Family Services;**

6 **(2)** "Health care worker" means any person, whether licensed or unlicensed,
7 temporarily or permanently employed by, volunteering in, or under contract with a
8 health facility, who has direct contact with a patient of the health facility for
9 purposes of either medical care or emergency response situations potentially
10 involving violence;

11 ~~**(3)**~~ (2) "Health facility" has the same meaning as in KRS 216B.015;

12 ~~**(4)**~~ (3) "Workplace" means any property that is owned or leased by the health facility
13 at which the official business of the health care worker is conducted;

14 ~~**(5)**~~ (4) "Workplace safety" means the process of protecting health care workers'
15 physical well-being from workplace violence; and

16 ~~**(6)**~~ (5) "Workplace violence" means any act or threat of physical violence,
17 harassment, intimidation, or other threatening disruptive behavior that occurs at the
18 workplace.

19 ➔Section 2. KRS 216.703 is amended to read as follows:

20 (1) ~~[By January 1, 2024, the Cabinet for Health and Family Services shall develop and~~
21 ~~disperse the following information to health facilities:~~

22 ~~(a) Guidelines for developing a workplace safety assessment;~~

23 ~~(b) Examples of a workplace safety plan; and~~

24 ~~(c) Examples of workplace safety standards specific to preventing workplace~~
25 ~~violence against health care workers.~~

26 ~~(2) Beginning January 1, 2025, the cabinet shall annually audit health facilities for~~
27 ~~compliance with the provisions of KRS 216.701 to 216.709.~~

(3) —] Notwithstanding any other provision of law to the contrary, the cabinet shall accept that a health facility is in compliance with KRS 216.701 to 216.709 if the health facility:

(a) Is accredited by ~~a [the Joint Commission or another]~~ nationally recognized accrediting organization ~~[with comparable standards and survey processes, that is]~~ approved by the United States Centers for Medicare and Medicaid Services; or

(b) 1. Is recognized by the United States Office of the Inspector General as a health facility certified to participate in the Medicare and Medicaid programs by the United States Centers for Medicare and Medicaid Services, provided that the health facility annually attests to the cabinet, on a form and in a manner determined by the cabinet, that the health facility:

a. Maintains a workplace safety assessment and workplace safety plan that meets or exceeds the standards required by its accrediting organization;

b. Provides violence prevention training to all health care workers upon hire and annually thereafter;

c. Maintains an internal reporting system through which health care workers may report incidents of workplace violence;

d. Prohibits retaliation against any health care worker who makes a report of workplace violence in good faith; and

e. Conducts periodic reviews of incidents of workplace violence and updates its workplace safety plan as needed.

2. Notwithstanding subparagraph 1. of this paragraph, the cabinet may require a health facility to comply with the requirements of KRS 216.701 to 216.709 if the cabinet determines, based on objective

evidence obtained through licensure survey or substantiated complaint, and not in an arbitrary or capricious manner, that the health facility's workplace safety assessment or workplace safety plan has failed to reasonably identify, mitigate, or respond to risks of workplace violence.

3. A health facility subject to the requirements of subparagraph 2. of this paragraph shall remain subject to the requirements until the cabinet determines that the health facility has remedied the deficiencies and may resume safe harbor status.

(2) All health facilities, including any health facility deemed to be in compliance with KRS 216.701 to 216.709 in accordance with subsection (1) of this section, shall display a notice that shall:

(a) Be a legible printed sign at least eight and one-half (8.5) inches by eleven (11) inches in size, with letters in at least sixteen (16) point font;

(b) Be displayed in a prominent location in each health facility, including but not limited to the main entrance, major patient waiting area, visitor management area, emergency room, and other high traffic areas; and

(c) Indicate that any form of threatening or aggressive behavior toward health care workers will not be tolerated and could result in consequences including a felony conviction[;]

~~(e) Is licensed as an assisted living community pursuant to KRS Chapter 194A; or~~

~~(d) Is any provider that accepts payment for services from an individual receiving state supplementation pursuant to KRS 205.245].~~

~~(3) [(4)]~~ The cabinet shall promulgate the necessary administrative regulations in accordance with KRS Chapter 13A to effectuate the provisions of KRS 216.701 to 216.709.

➔ Section 3. KRS 216.705 is amended to read as follows:

- 1 (1) (a) Health facilities shall develop and execute a workplace safety assessment to
2 identify the risk of workplace violence against health care workers.
- 3 (b) Health facilities shall create a workplace safety plan to address the risks
4 identified in the workplace safety assessment. Each health facility shall
5 develop the workplace safety plan in a way that affords appropriate
6 representation from all the different types of health care workers operating on
7 the premises.
- 8 (2) The workplace safety assessment described in subsection (1)(a) of this section shall
9 outline strategies aimed at addressing security considerations and factors that may
10 contribute to or present the risk of workplace violence, including but not limited to
11 the following:
- 12 (a) The physical attributes of the health facility setting, including security
13 systems, alarms, emergency response, and security personnel available;
- 14 (b) Staffing, including staffing patterns, patient classifications, and procedures to
15 mitigate violence against health care workers;
- 16 (c) Job design, equipment, and facilities;
- 17 (d) First aid and emergency procedures;
- 18 (e) The reporting of violent acts;
- 19 (f) Health care worker education and training requirements and implementation
20 strategy;
- 21 (g) Security risks associated with specific units, areas of the health facility with
22 uncontrolled access, late night or early morning shifts, and health care worker
23 security in areas surrounding the health facility such as the parking areas; and
- 24 (h) Intervention procedures for providing assistance to a health care worker
25 directly affected by an incident of workplace violence.
- 26 (3) Health facilities shall annually:
- 27 (a) Conduct a workplace safety assessment;

1 (b) Review the workplace violence incidents from the previous year for patterns
2 that indicate risk;~~[-and]~~

3 (c) Review the workplace safety plan and make any necessary adjustments; **and**

4 **(d) Inform health care workers of any changes to policies or procedures or**
5 **changes to the workplace safety plan based on the requirements in this**
6 **subsection**~~[-~~

7 ~~(4) In developing the workplace safety assessment and safety plan required by~~
8 ~~subsections (1) to (3) of this section, the health facility shall consider any guidelines~~
9 ~~on workplace safety standards issued by the cabinet pursuant to KRS 216.703].~~

10 ➔Section 4. KRS 216.709 is amended to read as follows:

11 (1) Health facilities shall develop an internal reporting system for acts of workplace
12 violence committed against a health care worker, patient, or visitor on the health
13 facility's premises, and shall train health care workers on the proper reporting
14 procedure **for when health care workers experience or witness workplace**
15 **violence.**

16 (2) Health facilities shall maintain a record of reported acts of workplace violence
17 committed against a health care worker, patient, or visitor on the health facility's
18 premises. Each record shall be kept for five (5) years following the date the act was
19 reported, during which time the record shall be available for inspection by the
20 cabinet upon request. The report shall include:

21 (a) The health facility's name and address;

22 (b) The date, time, and specific location on the health facility's premises where
23 the reported workplace violence occurred;

24 (c) The name, job title, department or ward assignment, and staff identification or
25 Social Security number of the victim;

26 (d) A description of the person against whom the act was committed as:

27 1. A patient;

- 1 2. A visitor;
- 2 3. A health care worker; or
- 3 4. Other;
- 4 (e) A description of the person who allegedly committed the violent act as:
 - 5 1. A patient;
 - 6 2. A visitor;
 - 7 3. An employee; or
 - 8 4. Other;
- 9 (f) A description of the type of workplace violence committed as:
 - 10 1. Harassment, verbal abuse, or other threatening and violent behavior with
 - 11 no physical contact or violence;
 - 12 2. Physical violence resulting in mild soreness, surface abrasions,
 - 13 scratches, or small bruises;
 - 14 3. Physical violence resulting in major soreness, cuts, or large bruises;
 - 15 4. Physical violence resulting in severe lacerations, a bone fracture, or a
 - 16 head injury; or
 - 17 5. Physical violence resulting in loss of limb or death;
- 18 (g) An identification of any body part injured;
- 19 (h) A description of any weapon used;
- 20 (i) The number of health care workers in the vicinity of the act when it occurred;
- 21 and
- 22 (j) A description of actions taken by employees of the health facility in response
- 23 to the act.
- 24 (3) Health facilities shall develop a procedure to follow up with individuals who
- 25 experienced~~[victims of the]~~ reported acts of workplace violence that requires the
- 26 health facility to inform the individual of actions taken after the incident and any
- 27 plan for future action.

- 1 (4) Health facilities shall provide individuals who experienced~~[victims of]~~ workplace
2 violence with support, which may include access to physical and mental health
3 resources.