

# HOUSE BILL 1568

K3, P1, P4

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CF SB 943

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By: **Delegates Cullison, Johnson, R. Lewis, Lierman, and Pena-Melnyk**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Health Care Facilities – Workplace Safety**  
3 **(Safe Care Act)**

4 FOR the purpose of altering the composition of a certain workplace safety committee;  
5 requiring State residential centers and State-operated hospitals to develop a  
6 workplace safety plan; establishing certain requirements for a certain workplace  
7 safety plan; requiring that certain training address certain risks and include certain  
8 instruction on certain matters; requiring certain State residential centers and  
9 State-operated hospitals to collaborate with a certain committee for certain  
10 purposes; requiring that certain procedures include certain other procedures;  
11 requiring State residential centers and State-operated hospitals to ensure that a  
12 certain workplace safety plan is implemented in a certain manner, coordinate certain  
13 activities with certain health care works, implement certain measures, encourage  
14 certain workers to take certain actions, and report to the Commissioner of Labor and  
15 Industry certain incidents of workplace violence; prohibiting State residential  
16 centers and State-operated hospitals from taking certain actions against a health  
17 care worker for participating in a workplace safety plan; requiring State residential  
18 centers and State-operated hospitals to maintain and make available certain  
19 information to the Commissioner on request; prohibiting certain information from  
20 containing certain personal information; requiring the Commissioner to adopt  
21 certain regulations; requiring certain health care facilities to submit a certain  
22 annual summary to the Commissioner; requiring the Commissioner to make  
23 available online certain summaries; defining certain terms; and generally relating  
24 to workplace safety in health care facilities.

25 BY repealing and reenacting, with amendments,  
26 Article – Labor and Employment  
27 Section 5–1101 and 5–1102  
28 Annotated Code of Maryland  
29 (2016 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 5–1103  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Labor and Employment  
Section 5–1104 through 5–1110  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Labor and Employment**

5–1101.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Health care facility” means:

(i) a hospital; or

(ii) a State residential center.

(2) “Health care facility” includes:

(i) a subacute care unit of a hospital; and

(ii) a State–operated hospital.

(c) “Health care worker” means an individual employed by a health care facility.

(d) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

(e) “State residential center” has the meaning stated in § 7–101 of the  
Health – General Article.

(f) “Workplace safety” means the prevention of any physical assault or  
threatening behavior against a health care worker in a health care facility.

**(G) “WORKPLACE SAFETY PLAN” MEANS THE PLAN DEVELOPED UNDER §  
5–1104 OF THIS SUBTITLE.**

**(H) (1) “WORKPLACE VIOLENCE” MEANS AN ACT OF VIOLENCE OR A**

1 THREAT OF VIOLENCE THAT OCCURS AT A HEALTH CARE FACILITY AND THAT IS NOT  
2 A LAWFUL ACT OF SELF-DEFENSE OR DEFENSE OF ANOTHER PERSON.

3 (2) "WORKPLACE VIOLENCE" INCLUDES, REGARDLESS OF WHETHER  
4 THE HEALTH CARE WORKER IS PHYSICALLY OR PSYCHOLOGICALLY INJURED:

5 (I) USING OR THREATENING TO USE PHYSICAL FORCE AGAINST  
6 A HEALTH CARE WORKER; AND

7 (II) AN INCIDENT INVOLVING USING OR THREATENING TO USE A  
8 FIREARM OR OTHER DANGEROUS WEAPON.

9 5-1102.

10 (a) A health care facility shall establish a workplace safety committee to establish  
11 and administer a workplace safety program.

12 (b) The workplace safety committee established under subsection (a) of this  
13 section shall be composed of an equal number of employees who work in management and  
14 employees who do not work in management **OR IN ACCORDANCE WITH AN APPLICABLE**  
15 **COLLECTIVE BARGAINING AGREEMENT.**

16 5-1103.

17 (a) The workplace safety committee shall establish a workplace safety program  
18 that is appropriate for the size and complexity of the health care facility.

19 (b) The workplace safety program established under subsection (a) of this section  
20 shall include:

21 (1) a written policy describing how the health care facility provides for the  
22 safety of health care workers;

23 (2) an annual assessment to:

24 (i) identify hazards, conditions, operations, and situations that  
25 could lead to workplace injuries; and

26 (ii) be used to develop recommendations to reduce the risk of  
27 workplace injuries;

28 (3) a process for reporting, responding to, and tracking incidences of  
29 workplace injuries; and

30 (4) regular workplace safety training for health care workers.

**5-1104.**

**(A) EACH STATE RESIDENTIAL CENTER AND EACH STATE-OPERATED HOSPITAL SHALL DEVELOP A WORKPLACE SAFETY PLAN.**

**(B) A WORKPLACE SAFETY PLAN ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) BE:**

**(I) IN WRITING;**

**(II) IN EFFECT AT ALL TIMES;**

**(III) AVAILABLE FOR VIEWING AT ALL TIMES BY EACH HEALTH CARE WORKER AT THE HEALTH CARE FACILITY;**

**(IV) SPECIFIC TO EACH UNIT, AREA, AND LOCATION MAINTAINED BY THE HEALTH CARE FACILITY; AND**

**(V) DEVELOPED IN COLLABORATION WITH THE WORKPLACE SAFETY COMMITTEE ESTABLISHED UNDER § 5-1102 OF THIS SUBTITLE; AND**

**(2) INCLUDE:**

**(I) A REQUIREMENT THAT HEALTH CARE WORKERS AT A HEALTH CARE FACILITY RECEIVE THE TRAINING ON THE PREVENTION OF WORKPLACE VIOLENCE UNDER § 5-1105 OF THIS SUBTITLE:**

**1. ON THE ADOPTION OF A NEW WORKPLACE SAFETY PLAN;**

**2. ON COMMENCING EMPLOYMENT AND ANNUALLY THEREAFTER;**

**3. ON COMMENCING NEW JOB DUTIES OR A NEW ASSIGNMENT IN ANOTHER LOCATION OF THE HEALTH CARE FACILITY; AND**

**4. WHEN A PREVIOUSLY UNRECOGNIZED HAZARD IS IDENTIFIED OR IF THERE IS A MATERIAL CHANGE IN THE FACILITY REQUIRING A CHANGE TO THE PLAN;**

**(II) PROCEDURES THAT MEET THE REQUIREMENTS FOR**

1 RESPONDING TO AND INVESTIGATING INCIDENTS OF WORKPLACE VIOLENCE UNDER  
2 § 5-1106 OF THIS SUBTITLE;

3 (III) PROCEDURES FOR CORRECTING HAZARDS THAT INCREASE  
4 THE RISK OF WORKPLACE VIOLENCE, INCLUDING USING ENGINEERING CONTROLS  
5 THAT ARE FEASIBLE AND APPLICABLE TO THE HEALTH CARE FACILITY AND WORK  
6 PRACTICE CONTROLS TO ELIMINATE OR MINIMIZE EXPOSURE OF HEALTH CARE  
7 WORKERS TO SUCH HAZARDS;

8 (IV) PROCEDURES FOR OBTAINING ASSISTANCE FROM SECURITY  
9 PERSONNEL OR PUBLIC SAFETY AGENCIES WHEN APPROPRIATE;

10 (V) PROCEDURES FOR RESPONDING TO INCIDENTS INVOLVING  
11 AN ACTIVE SHOOTER AND OTHER THREATS OF MASS CASUALTIES THROUGH THE USE  
12 OF PLANS FOR EVACUATION AND SHELTERING THAT ARE FEASIBLE AND  
13 APPROPRIATE FOR THE HEALTH CARE FACILITY; AND

14 (VI) PROCEDURES FOR ANNUALLY ASSESSING THE  
15 EFFECTIVENESS OF THE WORKPLACE SAFETY PLAN, IN COLLABORATION WITH THE  
16 WORKPLACE SAFETY COMMITTEE ESTABLISHED UNDER § 5-1102 OF THIS SUBTITLE.

17 5-1105.

18 (A) THE TRAINING PROVIDED UNDER A WORKPLACE SAFETY PLAN SHALL  
19 ADDRESS THE RISKS OF WORKPLACE VIOLENCE THAT A HEALTH CARE WORKER MAY  
20 REASONABLY ANTICIPATE ON THE HEALTH CARE WORKER'S JOB AND SHALL  
21 INCLUDE INSTRUCTION CONCERNING:

22 (1) THE WORKPLACE SAFETY PLAN, INCLUDING:

23 (I) THE MANNER IN WHICH AN EMPLOYEE MAY ADDRESS  
24 INCIDENTS OF WORKPLACE VIOLENCE;

25 (II) THE MANNER IN WHICH AN EMPLOYEE MAY PARTICIPATE IN  
26 REVIEWING AND REVISING THE WORKPLACE SAFETY PLAN; AND

27 (III) ANY INFORMATION NECESSARY FOR A HEALTH CARE  
28 WORKER TO PERFORM THE DUTIES THAT MAY BE REQUIRED OF A HEALTH CARE  
29 WORKER UNDER THE WORKPLACE SAFETY PLAN;

30 (2) RECOGNIZING SITUATIONS THAT MAY RESULT IN WORKPLACE  
31 VIOLENCE;

(3) WHEN AND HOW TO RESPOND TO, AND SEEK ASSISTANCE IN PREVENTING OR RESPONDING TO, WORKPLACE VIOLENCE;

(4) REPORTING INCIDENTS OF WORKPLACE VIOLENCE TO THE HEALTH CARE FACILITY AND PUBLIC SAFETY AGENCIES WHEN APPROPRIATE;

(5) RESOURCES AVAILABLE TO HEALTH CARE WORKERS IN COPING WITH INCIDENTS OF WORKPLACE VIOLENCE, INCLUDING THE DEBRIEFING PROCESS ESTABLISHED BY THE HEALTH CARE FACILITY FOR USE AFTER AN INCIDENT OF WORKPLACE VIOLENCE AND AVAILABLE PROGRAMS TO ASSIST HEALTH CARE WORKERS IN RECOVERING FROM INCIDENTS OF WORKPLACE VIOLENCE; AND

(6) FOR EACH HEALTH CARE WORKER WHO HAS CONTACT WITH PATIENTS, VERBAL INTERVENTION AND DE-ESCALATION TECHNIQUES THAT:

(I) ALLOW THE HEALTH CARE WORKER TO PRACTICE THE TECHNIQUES WITH OTHER HEALTH CARE WORKERS WITH WHOM THE HEALTH CARE WORKER WORKS; AND

(II) INCLUDE A DEBRIEFING MEETING AFTER EACH PRACTICE SESSION CONDUCTED UNDER THIS ITEM.

(B) EACH STATE RESIDENTIAL CENTER AND EACH STATE-OPERATED HOSPITAL SHALL COLLABORATE WITH THE WORKPLACE SAFETY COMMITTEE TO DEVELOP, REVIEW, AND REVISE THE TRAINING PROVIDED UNDER THE WORKPLACE SAFETY PLAN AND ANY CURRICULA OR MATERIALS USED IN TRAINING.

5-1106.

THE PROCEDURES FOR RESPONDING TO AND INVESTIGATING INCIDENTS OF WORKPLACE VIOLENCE INCLUDED IN THE WORKPLACE SAFETY PLAN OF A STATE RESIDENTIAL CENTER OR STATE-OPERATED HOSPITAL SHALL INCLUDE PROCEDURES TO:

(1) MAINTAIN AND USE ALARMS OR OTHER COMMUNICATION SYSTEMS TO ALLOW HEALTH CARE WORKERS TO SEEK IMMEDIATE ASSISTANCE DURING AN INCIDENT OF WORKPLACE VIOLENCE;

(2) RESPOND TO EACH INCIDENT OF WORKPLACE VIOLENCE;

(3) PROVIDE TIMELY MEDICAL CARE OR FIRST AID TO HEALTH CARE WORKERS OR OTHER EMPLOYEES OF THE HEALTH CARE FACILITY WHO HAVE BEEN INJURED IN AN INCIDENT OF WORKPLACE VIOLENCE;

1           (4) IDENTIFY EACH HEALTH CARE WORKER INVOLVED IN AN  
2 INCIDENT OF WORKPLACE VIOLENCE;

3           (5) OFFER COUNSELING TO EACH HEALTH CARE WORKER AFFECTED  
4 BY AN INCIDENT OF WORKPLACE VIOLENCE;

5           (6) OFFER THE OPPORTUNITY FOR EACH HEALTH CARE WORKER,  
6 INCLUDING SUPERVISORS AND SECURITY PERSONNEL, INVOLVED IN AN INCIDENT  
7 OF WORKPLACE VIOLENCE TO BE DEBRIEFED AS SOON AS POSSIBLE AFTER THE  
8 INCIDENT AT A TIME AND PLACE THAT IS CONVENIENT FOR THE HEALTH CARE  
9 WORKER, SUPERVISOR, AND SECURITY PERSONNEL;

10          (7) REVIEW ANY PATIENT-SPECIFIC RISK FACTORS AND ANY  
11 MEASURES SPECIFIED TO REDUCE THOSE FACTORS;

12          (8) REVIEW THE IMPLEMENTATION AND EFFECTIVENESS OF  
13 CORRECTIVE MEASURES TAKEN UNDER THE WORKPLACE SAFETY PLAN;

14          (9) SOLICIT THE FEEDBACK OF HEALTH CARE WORKERS INVOLVED IN  
15 AN INCIDENT OF WORKPLACE VIOLENCE CONCERNING THE PRECIPITATING  
16 FACTORS OF THE INCIDENT AND ANY MEASURES THAT MAY HAVE ASSISTED IN  
17 PREVENTING THE INCIDENT; AND

18          (10) PROVIDE A REPORT WITHIN 14 DAYS AFTER AN INCIDENT TO THE  
19 WORKPLACE SAFETY COMMITTEE ESTABLISHED UNDER § 5-1102 OF THIS SUBTITLE.  
20 5-1107.

21          (A) EACH STATE RESIDENTIAL CENTER AND EACH STATE-OPERATED  
22 HOSPITAL SHALL:

23           (1) ENSURE THAT THE WORKPLACE SAFETY PLAN IS IMPLEMENTED  
24 AT ALL TIMES AND IN ALL UNITS, AREAS, AND LOCATIONS OF THE HEALTH CARE  
25 FACILITY;

26           (2) COORDINATE RISK ASSESSMENT AND DEVELOPMENT AND  
27 IMPLEMENTATION OF THE WORKPLACE SAFETY PLAN WITH HEALTH CARE WORKERS  
28 IN THE HEALTH CARE FACILITY;

29           (3) IMPLEMENT ENGINEERING CONTROLS, WORK PRACTICE  
30 CONTROLS, AND OTHER APPROPRIATE MEASURES AS NECESSARY TO PREVENT AND  
31 MITIGATE THE RISK OF WORKPLACE VIOLENCE IN ALL UNITS, AREAS, AND

1 LOCATIONS OF THE FACILITY;

2 (4) ENCOURAGE HEALTH CARE WORKERS TO REPORT INCIDENTS OF  
3 WORKPLACE VIOLENCE AND, WHERE APPROPRIATE, SEEK THE ASSISTANCE OF A  
4 PUBLIC SAFETY AGENCY IN ACCORDANCE WITH THE WORKPLACE SAFETY PLAN  
5 DEVELOPED TO RESPOND TO WORKPLACE VIOLENCE; AND

6 (5) REPORT TO THE COMMISSIONER ANY INCIDENT OF WORKPLACE  
7 VIOLENCE THAT:

8 (I) INVOLVED THE USE OF PHYSICAL FORCE AGAINST A HEALTH  
9 CARE WORKER BY A PATIENT OR AN INDIVIDUAL ACCOMPANYING THE PATIENT;

10 (II) INVOLVED THE USE OF A FIREARM OR OTHER DANGEROUS  
11 WEAPON; OR

12 (III) PRESENTED A REALISTIC POSSIBILITY OF DEATH OR  
13 SERIOUS PHYSICAL HARM TO A HEALTH CARE WORKER.

14 (B) A STATE RESIDENTIAL CENTER OR STATE-OPERATED HOSPITAL MAY  
15 NOT PENALIZE A HEALTH CARE WORKER FOR PARTICIPATING IN A WORKPLACE  
16 SAFETY PLAN.

17 5-1108.

18 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH STATE  
19 RESIDENTIAL CENTER AND EACH STATE-OPERATED HOSPITAL SHALL MAINTAIN  
20 AND MAKE AVAILABLE TO THE COMMISSIONER ON REQUEST INFORMATION  
21 RELATED TO INCIDENTS OF WORKPLACE VIOLENCE AND ACTIONS TAKEN IN  
22 COMPLIANCE WITH THIS SUBSECTION.

23 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS  
24 SUBSECTION SHALL INCLUDE:

25 (I) RECORDS OF THE IDENTIFICATION, EVALUATION, AND  
26 CORRECTION OF HAZARDS THAT INCREASE THE RISK OF WORKPLACE VIOLENCE;

27 (II) A RECORD OF INCIDENTS OF WORKPLACE VIOLENCE;

28 (III) A RECORD OF EACH TRAINING SESSION PROVIDED;

29 (IV) A RECORD OF EACH REPORT TO THE COMMISSIONER; AND



(V) ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSIONER.

(B) THE INFORMATION REQUIRED UNDER THIS SECTION MAY NOT INCLUDE ANY PERSONALLY IDENTIFIABLE INFORMATION OF A PATIENT, AN EMPLOYEE, OR A HEALTH CARE WORKER IN THE HEALTH CARE FACILITY.

**5-1109.**

THE COMMISSIONER SHALL ADOPT REGULATIONS THAT APPLY TO EACH STATE RESIDENTIAL CENTER AND EACH STATE-OPERATED HOSPITAL THAT:

(1) ESTABLISH MINIMUM REQUIREMENTS FOR THE PROCEDURES FOR ASSESSING AND RESPONDING TO SITUATIONS THAT CREATE THE POTENTIAL FOR WORKPLACE VIOLENCE;

(2) ESTABLISH MINIMUM REQUIREMENTS FOR THE ENGINEERING CONTROLS, WORK PRACTICE CONTROLS, AND OTHER APPROPRIATE MEASURES TO PREVENT AND MITIGATE THE RISK OF WORKPLACE VIOLENCE; AND

(3) ESTABLISH THE REQUIRED CONTENTS OF A RECORD OF AN INCIDENT OF WORKPLACE VIOLENCE.

**5-1110.**

(A) A HEALTH CARE FACILITY SHALL SUBMIT TO THE COMMISSIONER THE MOST CURRENT ANNUAL SUMMARY OF WORKPLACE INJURIES AND ILLNESSES COMPILED IN ACCORDANCE WITH 29 C.F.R. § 1904.32.

(B) THE COMMISSIONER SHALL MAKE AVAILABLE ON THE DEPARTMENT'S WEBSITE A COPY OF THE MOST RECENT:

(1) ANNUAL SUMMARY SUBMITTED BY EACH HEALTH CARE FACILITY IN THE STATE; AND

(2) THE SENTINEL EVENT DATA SUMMARY PUBLISHED BY THE JOINT COMMISSION OR ITS SUCCESSOR ORGANIZATION OR A SIMILAR REPORT SELECTED BY THE COMMISSIONER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.