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1 AN ACT

2 To amend and reenact the heading of Part XIII of Chapter 11 of Title 40 of the Louisiana
3 Revised Statutes of 1950 and R.S. 40:2199(A)(1) and to enact R.S. 40:2199.11
4 through 2199.19, relative to licensed healthcare facilities; to establish duties and
5 requirements of licensed healthcare facilities with respect to addressing and
6 preventing workplace violence; to require the posting of certain cautionary signage
7 at licensed healthcare facilities; to require and provide with respect to healthcare
8 workplace violence prevention plans; to require reporting of acts of workplace
9 violence occurring at licensed healthcare facilities; to prohibit retaliation by certain
10 employers in connection with reporting of healthcare workplace violence; to require
11 the Louisiana Department of Health to maintain on its website public information
12 regarding healthcare workplace violence; to authorize enforcement actions by the
13 department; to require promulgation of administrative rules; to provide for
14 definitions; to provide for organization and designation of laws by the Louisiana
15 State Law Institute; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. The heading of Part XIII of Chapter 11 of Title 40 of the Louisiana
18 Revised Statutes of 1950 and R.S. 40:2199(A)(1) are hereby amended and reenacted and
19 R.S. 40:2199.11 through 2199.19 are hereby enacted to read as follows:

PART XIII. ~~HEALTH CARE~~ PROVISIONS COMMON TO HEALTHCARE
FACILITIES AND SERVICES; ~~LICENSING ENFORCEMENT~~

§2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

A.(1) For purposes of this ~~Part~~ Subpart, "facility" shall mean any one or more of the following: an adult day health care facility, substance abuse/addiction treatment facility, ambulatory surgery center, case management facility, urine drug screening facility, mobile cholesterol screening facility, end stage renal disease facility, supplier of portable X-ray services, home health agency, hospice, hospital, ICF/DD facility, outpatient abortion facility, or any other healthcare provider licensed or certified by the Louisiana Department of Health.

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§2199.11. Purpose

The purpose of this Subpart is to protect public health and safety by establishing policies and practices through which incidents of workplace violence in healthcare settings can be properly addressed, mitigated, and, wherever possible, prevented.

§2199.12. Definitions

As used in this Subpart, the following terms have the meaning ascribed to them in this Section:

(1) "Department" means the Louisiana Department of Health and any healthcare professional licensing board transferred to and placed within the department pursuant to R.S. 36:259(A).

(2) "Licensing board" means any board or commission that has the duty to license a regulated entity as defined in this Section.

(3) "Regulated entity" means any licensed healthcare facility listed in R.S. 40:2006(A)(2), a federally qualified health center as defined in R.S. 40:1185.3, a pharmacy permitted in accordance with Part IV of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, and any office of a healthcare provider at which five or more healthcare professionals, as defined in R.S. 14:34.8(B), treat patients and such office is not otherwise licensed by the state but provides healthcare services

1 delivered by a licensee of a healthcare professional licensing board created in Title
 2 37 of the Louisiana Revised Statutes of 1950.

3 (4) "Workplace violence" means violent acts, including battery or the
 4 intentional placing of another person in reasonable apprehension of sustaining
 5 battery, directed toward persons at work or on duty with their employment.

6 §2199.13. Licensed healthcare facilities; signage addressing workplace violence
 7 required

8 A. Each regulated entity shall display at its premises at least one sign that
 9 conforms with the specifications of Subsection B of this Section and indicates that
 10 abuse of or workplace violence against healthcare staff will not be tolerated and
 11 could result in a felony conviction under R.S. 14:38 or other applicable criminal
 12 laws.

13 B. Each sign displayed in accordance with the requirements of this Section
 14 shall conform with all of the following specifications:

15 (1) The sign shall be posted in a conspicuous location in a publicly
 16 accessible area of the regulated entity's facility.

17 (2) The sign shall be at least eighteen inches tall by eighteen inches wide and
 18 written in the English language with letters not less than one square inch in size.

19 §2199.14. Healthcare workplace violence; public information

20 A. The department shall develop, publish, and maintain public information
 21 regarding the issue of healthcare workplace violence on its website.

22 B. The information provided by the department pursuant to this Section shall
 23 include, at a minimum, all of the following:

24 (1) A listing of best practices, toolkits, and resources on the issue of
 25 healthcare workplace violence from governmental and private authorities including,
 26 without limitation, the Occupational Safety and Health Administration and the Joint
 27 Commission.

28 (2) Actions that regulated entities can take and policies that such entities can
 29 adopt to prevent, respond to, report, and mitigate healthcare workplace violence.

1 (3) A checklist of items for regulated entities to consider when developing
2 a workplace violence prevention plan.

3 C. The website on which the department publishes information regarding
4 healthcare workplace violence shall include a downloadable example of text that
5 complies with the provisions of R.S. 40:2199.13(A) relative to signage required to
6 be displayed at facilities of regulated entities.

7 §2199.15. Healthcare workplace violence prevention plans

8 A.(1) Each regulated entity shall develop and maintain a workplace violence
9 prevention plan that includes, at minimum, all of the following resources:

10 (a) Resources for ongoing education on the issue of workplace violence.

11 (b) Resources for prevention of workplace violence.

12 (c) Resources on responding to incidents of workplace violence and
13 debriefing with respect to such incidents and responses thereto.

14 (2) Each healthcare workplace violence prevention plan developed pursuant
15 to this Section shall address and encompass all of the following:

16 (a) Personnel education and policies requiring all healthcare workers who
17 provide direct care to patients to receive, at least annually, education and training in
18 a format that provides an opportunity for interactive questions and answers with a
19 person knowledgeable about the workplace violence prevention plan. The education
20 and training delivered pursuant to a workplace violence prevention plan shall cover
21 topics including but not limited to all of the following:

22 (i) How to recognize the potential for violence to occur.

23 (ii) When and how to seek assistance to prevent or respond to violence.

24 (iii) How to report violent incidents to law enforcement.

25 (iv) Resources available to employees for coping with incidents of
26 workplace violence.

27 (b) A system for responding to and investigating violent incidents and
28 situations involving violence.

29 (c) A system for regularly, and not less than annually, assessing and
30 improving upon factors that may contribute to or help in preventing workplace

1 violence. This system shall address, without limitation, all of the following aspects
 2 of the workplace:

3 (i) Staffing, including staffing patterns that may contribute to, or be
 4 insufficient to address, the risk of violence.

5 (ii) Sufficiency of security systems including alarms, emergency response
 6 systems, and availability of security personnel.

7 (iii) Job design, equipment, and facilities.

8 (iv) Security risks associated with particular units of the workplace, areas of
 9 the regulated entity's facility with uncontrolled access, late night or early morning
 10 shifts, and areas surrounding the facility such as employee parking areas.

11 (d) A requirement that the regulated entity maintain and make available to
 12 its employees a written safety and security plan.

13 B. The department may prescribe additional required content beyond the
 14 material required by Subsection A of this Section for workplace violence prevention
 15 plans.

16 C. Each regulated entity shall orient all permanent and temporary employees
 17 of the entity's facility to the workplace violence prevention plan of the entity.

18 D. Each regulated entity shall maintain its workplace violence prevention
 19 plan in effect at all times.

20 §2199.16. Acts of workplace violence at licensed healthcare facilities; reporting
 21 required

22 A. Each regulated entity shall report to the proper authority, as required by
 23 the entity's workplace violence prevention plan, any instance of workplace violence
 24 that occurs on its property.

25 B. If an instance of workplace violence at a regulated entity's facility results
 26 in injury, involves the use of a firearm or other dangerous weapon, or presents an
 27 urgent or emergent threat to the welfare, health, or safety of facility personnel, the
 28 regulated entity shall report the incident within twenty-four hours.

1 §2199.17. Retaliation in connection with reporting healthcare workplace violence;
 2 prohibition

3 A. No regulated entity shall take any retaliatory action against a person who,
 4 in good faith, reports an allegation of or an instance of workplace violence.

5 B. No regulated entity shall prohibit an employee from, or take punitive or
 6 retaliatory action against an employee for, seeking assistance and intervention from
 7 local emergency services or law enforcement when a violent incident occurs.

8 C. No regulated entity shall discharge, demote, suspend, threaten, or harass
 9 an employee, or discriminate against an employee in the terms and conditions of his
 10 employment, because of any lawful act engaged in by the employee, or taken on
 11 behalf of the employee, in reporting to law enforcement a crime or allegation
 12 involving workplace violence at the regulated entity's facility.

13 D. The employee protections provided for in this Section shall be in addition
 14 to, and shall not replace, any protections conferred by the provisions of Title 23 of
 15 the Louisiana Revised Statutes of 1950.

16 §2199.18. Enforcement

17 A. The department or a licensing board may take action against any license
 18 it has issued to a regulated entity or an owner of such an entity, up to and including
 19 license revocation, to enforce the provisions of this Subpart. The department may
 20 make appropriate referrals to other state or federal agencies and offices that may
 21 have jurisdiction over workplace violence or retaliation allegations.

22 B. With respect to enforcement of this Subpart, the department shall adopt
 23 rules and regulations in accordance with the Administrative Procedure Act to provide
 24 for all of the following:

25 (1) Penalties associated with violations of particular provisions of this
 26 Subpart.

27 (2) Notice to a regulated entity of a violation.

28 (3) An informal reconsideration process.

29 (4) An appeal procedure including judicial review.

1 §2199.19. Rulemaking

2 The department and each licensing board shall promulgate in accordance with
3 the Administrative Procedure Act all such rules as are necessary to implement the
4 provisions of this Subpart.

5 Section 2.(A) The Louisiana State Law Institute is hereby directed to designate R.S.
6 40:2199 and 2199.1 as Subpart A of Part XIII of Chapter 11 of Title 40 of the Louisiana
7 Revised Statutes of 1950, and is further directed to apply to the Subpart the heading
8 "Licensing Enforcement".

9 (B) The Louisiana State Law Institute is hereby directed to designate R.S.
10 40:2199.11 through 2199.19, as enacted by Section 1 of this Act, as Subpart B of Part XIII
11 of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, and is further directed
12 to apply to the Subpart the heading "Healthcare Workplace Violence Prevention".

13 Section 3. This Act shall be known and may be cited as the "Lynne Truxillo Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____