

Violence Against Health Care Workers (Included in the 2015 HHS bill, Chapter 71)

316.15 Sec. 25. **[144.566] VIOLENCE AGAINST HEALTH CARE WORKERS.**

316.16 Subdivision 1. **Definitions.** (a) The following definitions apply to this section and

316.17 have the meanings given.

316.18 (b) "Act of violence" means an act by a patient or visitor against a health care

316.19 worker that includes kicking, scratching, urinating, sexually harassing, or any act defined

316.20 in sections 609.221 to 609.2241.

316.21 (c) "Commissioner" means the commissioner of health.

316.22 (d) "Health care worker" means any person, whether licensed or unlicensed,

316.23 employed by, volunteering in, or under contract with a hospital, who has direct contact

316.24 with a patient of the hospital for purposes of either medical care or emergency response to

316.25 situations potentially involving violence.

316.26 (e) "Hospital" means any facility licensed as a hospital under section 144.55.

316.27 (f) "Incident response" means the actions taken by hospital administration and health

316.28 care workers during and following an act of violence.

316.29 (g) "Interfere" means to prevent, impede, discourage, or delay a health care worker's

316.30 ability to report acts of violence, including by retaliating or threatening to retaliate against

316.31 a health care worker.

316.32 (h) "Preparedness" means the actions taken by hospital administration and health

316.33 care workers to prevent a single act of violence or acts of violence generally.

317.1 (i) "Retaliate" means to discharge, discipline, threaten, otherwise discriminate

317.2 against, or penalize a health care worker regarding the health care worker's compensation,

317.3 terms, conditions, location, or privileges of employment.

317.4 Subd. 2. **Hospital duties.** (a) All hospitals must design and implement preparedness

317.5 and incident response action plans to acts of violence by January 15, 2016, and review the

317.6 plan at least annually thereafter.

317.7 (b) A hospital shall designate a committee of representatives of health care workers

317.8 employed by the hospital, including nonmanagerial health care workers, nonclinical

317.9 staff, administrators, patient safety experts, and other appropriate personnel to develop

317.10 preparedness and incident response action plans to acts of violence. The hospital shall, in

317.11 consultation with the designated committee, implement the plans under paragraph (a).

317.12 Nothing in this paragraph shall require the establishment of a separate committee solely

317.13 for the purpose required by this subdivision.

317.14 (c) A hospital shall provide training to all health care workers employed or

317.15 contracted with the hospital on safety during acts of violence. Each health care worker

317.16 must receive safety training annually and upon hire. Training must, at a minimum, include:

317.17 (1) safety guidelines for response to and de-escalation of an act of violence;

317.18 (2) ways to identify potentially violent or abusive situations; and

317.19 (3) the hospital's incident response reaction plan and violence prevention plan.

317.20 (d) As part of its annual review required under paragraph (a), the hospital must

317.21 review with the designated committee:

317.22 (1) the effectiveness of its preparedness and incident response action plans;

317.23 (2) the most recent gap analysis as provided by the commissioner; and

317.24 (3) the number of acts of violence that occurred in the hospital during the previous

317.25 year, including injuries sustained, if any, and the unit in which the incident occurred.

317.26 (e) A hospital shall make its action plans and the information listed in paragraph

317.27 (d) available to local law enforcement and, if any of its workers are represented by a

317.28 collective bargaining unit, to the exclusive bargaining representatives of those collective

317.29 bargaining units.

317.30 (f) A hospital, including any individual, partner, association, or any person or group

317.31 of persons acting directly or indirectly in the interest of the hospital, shall not interfere

317.32 with or discourage a health care worker if the health care worker wishes to contact law

317.33 enforcement or the commissioner regarding an act of violence.

317.34 (g) The commissioner may impose an administrative fine of up to \$250 for failure to

317.35 comply with the requirements of subdivision 2.