## HOUSE BILL 612

### By: Delegate Cox

Introduced and read first time: January 29, 2020 Assigned to: Health and Government Operations

#### A BILL ENTITLED

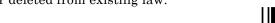
#### 1 AN ACT concerning

# Labor and Employment – Health Care Facilities – Workplace Safety Program – Revisions

4 FOR the purpose of requiring that a certain annual assessment required to be included in  $\mathbf{5}$ a certain workplace safety program include certain recommendations to reduce 6 certain injuries; requiring a health care facility to guarantee that a health care 7 worker who reports a physical assault or threatening behavior under a certain 8 process may elect not to care for a certain individual; requiring each workplace safety 9 committee established under certain provisions of law, in accordance with certain laws, to provide a certain report to the Governor and the General Assembly and to 10 11 post a certain report on a certain website on or before a certain date each year; and 12generally relating to workplace safety programs within health care facilities.

- 13 BY repealing and reenacting, without amendments,
- 14 Article Labor and Employment
- 15 Section 5–1101 and 5–1102
- 16 Annotated Code of Maryland
- 17 (2016 Replacement Volume and 2019 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Labor and Employment
- 20 Section 5–1103
- 21 Annotated Code of Maryland
- 22 (2016 Replacement Volume and 2019 Supplement)
- 23 BY adding to
- 24 Article Labor and Employment
- 25 Section 5–1104
- 26 Annotated Code of Maryland
- 27 (2016 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



0lr0484



	2	HOUSE BILL 612
$egin{array}{c} 1 \ 2 \end{array}$		TION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, aws of Maryland read as follows:
3		Article – Labor and Employment
4	5-1101.	
5	(a)	In this subtitle the following words have the meanings indicated.
6	(b)	(1) "Health care facility" means:
7		(i) a hospital; or
8		(ii) a State residential center.
9		(2) "Health care facility" includes:
10		(i) a subacute care unit of a hospital; and
11		(ii) a State–operated hospital.
12	(c)	"Health care worker" means an individual employed by a health care facility.
13	(d)	"Hospital" has the meaning stated in § 19–301 of the Health – General Article.
$\begin{array}{c} 14 \\ 15 \end{array}$	(e) General Ar	"State residential center" has the meaning stated in § 7–101 of the Health – rticle.
$\begin{array}{c} 16 \\ 17 \end{array}$	(f) threatening	"Workplace safety" means the prevention of any physical assault or g behavior against a health care worker in a health care facility.
18	5-1102.	
$\begin{array}{c} 19\\ 20 \end{array}$	(a) and admin	A health care facility shall establish a workplace safety committee to establish ister a workplace safety program.
$21 \\ 22 \\ 23$		The workplace safety committee established under subsection (a) of this all be composed of an equal number of employees who work in management and who do not work in management.
24	5-1103.	
$\frac{25}{26}$	(a) that is app	The workplace safety committee shall establish a workplace safety program ropriate for the size and complexity of the health care facility.
27 28	(b) shall inclue	The workplace safety program established under subsection (a) of this section de:

#### HOUSE BILL 612

1 (1) a written policy describing how the health care facility provides for the 2 safety of health care workers;

3

(2) an annual assessment to:

4 (i) identify hazards, conditions, operations, and situations that 5 could lead to workplace injuries; and

6 (ii) be used to develop recommendations to reduce the risk of 7 workplace injuries, INCLUDING ANY INJURIES THAT COULD RESULT FROM A LACK OF 8 WORKPLACE SAFETY;

9 (3) a process for reporting, responding to, and tracking incidences of 10 workplace injuries; and

11

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

12 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HEALTH CARE 13 FACILITY SHALL GUARANTEE THAT A HEALTH CARE WORKER WHO REPORTS A 14 PHYSICAL ASSAULT OR THREATENING BEHAVIOR UNDER THE PROCESS 15 ESTABLISHED IN SUBSECTION (B)(3) OF THIS SECTION MAY ELECT NOT TO CARE FOR 16 THE INDIVIDUAL WHO CAUSED THE HARM OR ISSUED THE THREAT.

17 **5–1104.** 

IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 AND ANY REGULATIONS ADOPTED UNDER THE ACT, AND ANY OTHER APPLICABLE FEDERAL OR STATE PRIVACY LAWS, ON OR BEFORE JUNE 1 EACH YEAR, BEGINNING IN 2021, EACH WORKPLACE SAFETY COMMITTEE ESTABLISHED UNDER THIS SUBTITLE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, AND POST ON THE HEALTH CARE FACILITY'S WEBSITE:

25 (1) AGGREGATE DATA ABOUT THREATS MADE AGAINST ANY HEALTH 26 CARE WORKER; AND

27 (2) INFORMATION ABOUT ANY LOCKDOWNS, EVACUATIONS, OR 28 OTHER EMERGENCY RESPONSES.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 30 October 1, 2020.