

116TH CONGRESS
1ST SESSION

S. _____

To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Violence
5 Prevention for Health Care and Social Service Workers
6 Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Findings.
- Sec. 3. Table of contents.

TITLE I—WORKPLACE VIOLENCE PREVENTION STANDARD

- Sec. 101. Workplace violence prevention standard.
- Sec. 102. Scope and application.
- Sec. 103. Requirements for workplace violence prevention standard.
- Sec. 104. Rules of construction.
- Sec. 105. Other definitions.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

- Sec. 201. Application of the workplace violence prevention standard to certain facilities receiving Medicare funds.

3 **TITLE I—WORKPLACE VIOLENCE**
 4 **PREVENTION STANDARD**

5 **SEC. 101. WORKPLACE VIOLENCE PREVENTION STANDARD.**

6 (a) INTERIM FINAL STANDARD.—

7 (1) IN GENERAL.—Not later than 1 year after
 8 the date of enactment of this Act, the Secretary of
 9 Labor shall promulgate an interim final standard on
 10 workplace violence prevention—

11 (A) to require certain employers in the
 12 health care and social service sectors, and cer-
 13 tain employers in sectors that conduct activities
 14 similar to the activities in the health care and
 15 social service sectors, to develop and implement
 16 a comprehensive workplace violence prevention
 17 plan to protect health care workers, social serv-

1 ice workers, and other personnel from work-
2 place violence; and

3 (B) that shall, at a minimum, be based on
4 the Guidelines for Preventing Workplace Vio-
5 lence for Healthcare and Social Service Work-
6 ers published by the Occupational Safety and
7 Health Administration of the Department of
8 Labor in 2015 and adhere to the requirements
9 of this title.

10 (2) APPLICABILITY OF OTHER STATUTORY RE-
11 QUIREMENTS.—The following shall not apply to the
12 promulgation of the interim final standard under
13 this subsection:

14 (A) The requirements applicable to occupa-
15 tional safety and health standards under section
16 6(b) of the Occupational Safety and Health Act
17 of 1970 (29 U.S.C. 655(b)).

18 (B) The requirements of chapters 5 and 6
19 of title 5, United States Code, and titles 2 and
20 42, United States Code.

21 (3) NOTICE AND COMMENT.—Notwithstanding
22 paragraph (2)(B), the Secretary shall, prior to pro-
23 mulgating the interim final standard under this sub-
24 section, provide notice of the interim final standard
25 and a 30-day opportunity for public comment.

1 (4) EFFECTIVE DATE OF INTERIM STAND-
2 ARD.—The interim final standard shall—

3 (A) take effect on a date that is not later
4 than 30 days after promulgation, except that
5 such interim final standard may include a rea-
6 sonable phase-in period for the implementation
7 of required engineering controls that take effect
8 after such date;

9 (B) be enforced in the same manner and
10 to the same extent as any standard promul-
11 gated under section 6(b) of the Occupational
12 Safety and Health Act of 1970 (29 U.S.C.
13 655(b)); and

14 (C) be in effect until the final standard de-
15 scribed in subsection (b) becomes effective and
16 enforceable.

17 (5) FAILURE TO PROMULGATE.—If an interim
18 final standard described in paragraph (1) is not pro-
19 mulgated not later than 1 year of the date of enact-
20 ment of this Act, the provisions of this title shall be
21 in effect and enforced in the same manner and to
22 the same extent as any standard promulgated under
23 section 6(b) of the Occupational Safety and Health
24 Act of 1970 (29 U.S.C. 655(b)) until such provi-
25 sions are superseded in whole by an interim final

1 standard promulgated by the Secretary that meets
2 the requirements of paragraph (1).

3 (b) FINAL STANDARD.—

4 (1) PROPOSED FINAL STANDARD.—Not later
5 than 2 years after the date of enactment of this Act,
6 the Secretary of Labor shall, pursuant to section 6
7 of the Occupational Safety and Health Act of 1970
8 (29 U.S.C. 655), promulgate a proposed final stand-
9 ard on workplace violence prevention—

10 (A) for the purposes described in sub-
11 section (a)(1)(A); and

12 (B) that shall include, at a minimum, the
13 elements contained in the interim final standard
14 promulgated under subsection (a).

15 (2) FINAL STANDARD.—Not later than 42
16 months after the date of enactment of this Act, the
17 Secretary shall promulgate a final standard on such
18 proposed standard that shall—

19 (A) provide no less protection than any
20 workplace violence standard adopted by a State
21 plan that has been approved by the Secretary
22 under section 18 of the Occupational Safety
23 and Health Act of 1970 (29 U.S.C. 667); and

24 (B) be effective and enforceable in the
25 same manner and to the same extent as any

1 standard promulgated under section 6(b) of the
2 Occupational Safety and Health Act of 1970
3 (29 U.S.C. 655(b)).

4 **SEC. 102. SCOPE AND APPLICATION.**

5 In this title:

6 (1) COVERED FACILITY.—The term “covered
7 facility” includes the following:

8 (A) Any hospital, including any specialty
9 hospital, in-patient or outpatient setting, or
10 clinic operating within a hospital license, or any
11 setting that provides outpatient services.

12 (B) Any residential treatment facility, in-
13 cluding any nursing home, skilled nursing facil-
14 ity, hospice facility, and long-term care facility.

15 (C) Any non-residential treatment or serv-
16 ice setting.

17 (D) Any medical treatment or social serv-
18 ice setting or clinic at a correctional or deten-
19 tion facility.

20 (E) Any community care setting, including
21 a community-based residential facility, group
22 home, and mental health clinic.

23 (F) Any psychiatric treatment facility.

24 (G) Any drug abuse or substance use dis-
25 order treatment center.

1 (H) Any independent freestanding emer-
2 gency centers.

3 (I) Any facility described in subparagraphs
4 (A) through (H) operated by a Federal Govern-
5 ment agency and required to comply with occu-
6 pational safety and health standards pursuant
7 to part 1960 of title 29, Code of Federal Regu-
8 lations (or any corresponding similar regula-
9 tions or rulings).

10 (J) Any other facility the Secretary deter-
11 mines should be covered under the standards
12 promulgated under section 101.

13 (2) COVERED SERVICES.—The term “covered
14 service” includes the following services and oper-
15 ations:

16 (A) Any services and operations provided
17 in any field work setting, including home health
18 care, home-based hospice, and home-based so-
19 cial work.

20 (B) Any emergency services and transport,
21 including such services provided by firefighters
22 and emergency responders.

23 (C) Any services described in subpara-
24 graphs (A) and (B) performed by a Federal
25 Government agency and required to comply

1 with occupational safety and health standards
2 pursuant to part 1960 of title 29, Code of Fed-
3 eral Regulations (or any corresponding similar
4 regulations or rulings).

5 (D) Any other services and operations the
6 Secretary determines should be covered under
7 the standards promulgated under section 101.

8 (3) COVERED EMPLOYER.—

9 (A) IN GENERAL.—The term “covered em-
10 ployer” includes a person (including a con-
11 tractor, subcontractor, a temporary service
12 firm, or an employee leasing entity) that em-
13 ploys an individual to work at a covered facility
14 or to perform covered services.

15 (B) EXCLUSION.—The term “covered em-
16 ployer” does not include an individual who pri-
17 vately employs, in the individual’s residence, a
18 person to perform covered services for the indi-
19 vidual or a family member of the individual.

20 (4) COVERED EMPLOYEE.—The term “covered
21 employee” includes an individual employed by a cov-
22 ered employer to work at a covered facility or to per-
23 form covered services.

1 **SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE**
2 **PREVENTION STANDARD.**

3 Each standard described in section 101 shall include,
4 at a minimum, the following requirements:

5 (1) **WORKPLACE VIOLENCE PREVENTION**
6 **PLAN.**—Not later than 6 months after the date of
7 promulgation of the interim final standard under
8 section 101(a), a covered employer shall develop, im-
9 plement, and maintain an effective written workplace
10 violence prevention plan for covered employees at
11 each covered facility and for covered employees per-
12 forming a covered service on behalf of such em-
13 ployer, which meets the following:

14 (A) **PLAN DEVELOPMENT.**—Each Plan
15 shall—

16 (i) be developed and implemented with
17 the meaningful participation of direct care
18 employees and, where applicable, employee
19 representatives and collective bargaining
20 representatives, for all aspects of the Plan;

21 (ii) be tailored and specific to condi-
22 tions and hazards for the covered facility
23 or the covered service, including patient-
24 specific risk factors and risk factors spe-
25 cific to each work area or unit; and

1 (iii) be suitable for the size, com-
2 plexity, and type of operations at the cov-
3 ered facility or for the covered service, and
4 remain in effect at all times.

5 (B) PLAN CONTENT.—Each Plan shall in-
6 clude procedures and methods for the following:

7 (i) Identification of the individual re-
8 sponsible for implementation of the Plan.

9 (ii) With respect to each work area
10 and unit at the covered facility or while
11 covered employees are performing the cov-
12 ered service, risk assessment and identi-
13 fication of workplace violence risks and
14 hazards to employees exposed to such risks
15 and hazards (including environmental risk
16 factors and patient-specific risk factors),
17 which shall be—

18 (I) informed by past violent inci-
19 dents specific to such covered facility
20 or such covered service; and

21 (II) conducted with, at a min-
22 imum—

23 (aa) direct care employees;

1 (bb) where applicable, the
2 representatives of such employ-
3 ees; and

4 (cc) the employer.

5 (iii) Hazard prevention, engineering
6 controls, or work practice controls to cor-
7 rect, in a timely manner, hazards that the
8 employer creates or controls applying in-
9 dustrial hygiene principles of the hierarchy
10 of controls, which—

11 (I) may include security and
12 alarm systems, adequate exit routes,
13 monitoring systems, barrier protec-
14 tion, established areas for patients
15 and clients, lighting, entry procedures,
16 staffing and working in teams, and
17 systems to identify and flag clients
18 with a history of violence; and

19 (II) shall ensure that employers
20 correct, in a timely manner, hazards
21 identified in the annual report de-
22 scribed in paragraph (5) that the em-
23 ployer creates or controls.

1 (iv) Reporting, incident response, and
2 post-incident investigation procedures, in-
3 cluding procedures—

4 (I) for employees to report work-
5 place violence risks, hazards, and inci-
6 dents;

7 (II) for employers to respond to
8 reports of workplace violence;

9 (III) for employers to perform a
10 post-incident investigation and de-
11 briefing of all reports of workplace vi-
12 olence with the participation of em-
13 ployees and their representatives; and

14 (IV) to provide medical care or
15 first aid to affected employees.

16 (v) Procedures for emergency re-
17 sponse, including procedures for threats of
18 mass casualties and procedures for inci-
19 dents involving a firearm or a dangerous
20 weapon.

21 (vi) Procedures for communicating
22 with and training of covered employees on
23 workplace violence hazards, threats, and
24 work practice controls, the employer's plan,
25 and procedures for confronting, responding

1 to, and reporting workplace violence
2 threats, incidents, and concerns, and em-
3 ployee rights.

4 (vii) Procedures for coordination of
5 risk assessment efforts, Plan development,
6 and implementation of the Plan with other
7 employers who have employees who work
8 at the covered facility or who are per-
9 forming the covered service.

10 (viii) Procedures for conducting the
11 annual evaluation under paragraph (6).

12 (C) AVAILABILITY OF PLAN.—Each Plan
13 shall be made available at all times to the cov-
14 ered employees who are covered under such
15 Plan.

16 (2) VIOLENT INCIDENT INVESTIGATION.—

17 (A) IN GENERAL.—As soon as practicable
18 after a workplace violence incident, risk, or haz-
19 ard of which a covered employer has knowledge,
20 the employer shall conduct an investigation of
21 such incident, risk, or hazard under which the
22 employer shall—

23 (i) review the circumstances of the in-
24 cident, risk, or hazard, and whether any
25 controls or measures implemented pursu-

1 ant to the Plan of the employer were effective;
2 tive; and

3 (ii) solicit input from involved employees,
4 ees, their representatives, and supervisors,
5 about the cause of the incident, risk, or
6 hazard, and whether further corrective
7 measures (including system-level factors)
8 could have prevented the incident, risk, or
9 hazard.

10 (B) DOCUMENTATION.—A covered employer
11 shall document the findings, recommendations,
12 and corrective measures taken for each investigation
13 conducted under this paragraph.
14

15 (3) TRAINING AND EDUCATION.—With respect
16 to the covered employees covered under a Plan of a
17 covered employer, the employer shall provide training
18 and education to such employees who may be exposed
19 to workplace violence hazards and risks, which
20 meet the following requirements:

21 (A) Annual training and education includes
22 information on the Plan, including identified
23 workplace violence hazards, work practice control
24 measures, reporting procedures, record

1 keeping requirements, response procedures, and
2 employee rights.

3 (B) Additional hazard recognition training
4 for supervisors and managers to ensure they
5 can recognize high-risk situations and do not
6 assign employees to situations that predictably
7 compromise their safety.

8 (C) Additional training for each such cov-
9 ered employee whose job circumstances has
10 changed, within a reasonable timeframe after
11 such change.

12 (D) New employee training prior to assign-
13 ment.

14 (E) All training provides such employees
15 opportunities to ask questions, give feedback on
16 such training, and request additional instruc-
17 tion, clarification, or other follow up.

18 (F) All training is provided in-person and
19 by an individual with knowledge of workplace
20 violence prevention and of the Plan.

21 (G) All training is appropriate in content
22 and vocabulary to the language, educational
23 level, and literacy of such covered employees.

24 (4) RECORDKEEPING AND ACCESS TO PLAN

25 RECORDS.—

1 (A) IN GENERAL.—Each covered employer
2 shall—

3 (i) maintain at all times—

4 (I) records related to each Plan
5 of the employer, including workplace
6 violence risk and hazard assessments,
7 and identification, evaluation, correc-
8 tion, and training procedures;

9 (II) a violent incident log de-
10 scribed in subparagraph (B) for re-
11 cording all workplace violence inci-
12 dents; and

13 (III) records of all incident inves-
14 tigation as required under paragraph
15 (2)(B); and

16 (ii) make such records and logs avail-
17 able, upon request, to covered employees
18 and their representatives for examination
19 and copying in accordance with section
20 1910.1020 of title 29, Code of Federal
21 Regulations (or any corresponding similar
22 regulation or ruling), and in a manner con-
23 sistent with HIPAA privacy regulations
24 (defined in section 1180(b)(3) of the Social
25 Security Act (42 U.S.C. 1320d–9(b)(3)))

1 and part 2 of title 42, Code of Federal
2 Regulations (or any corresponding similar
3 regulations or rulings).

4 (B) VIOLENT INCIDENT LOG DESCRIPTION.—Each violent incident log shall—
5

6 (i) be maintained by a covered em-
7 ployer for each covered facility controlled
8 by the employer and for each covered serv-
9 ice being performed by a covered employee
10 on behalf of such employer;

11 (ii) be based on a template developed
12 by the Secretary not later than 1 year
13 after the date of enactment of this Act;

14 (iii) include, at a minimum, a descrip-
15 tion of—

16 (I) the violent incident (including
17 environmental risk factors present at
18 the time of the incident);

19 (II) the date, time, and location
20 of the incident, and the names and
21 job titles of involved employees;

22 (III) the nature and extent of in-
23 juries to covered employees;

- 1 (IV) a classification of the pepe-
2 trator who committed the violence, in-
3 cluding whether the perpetrator was—
- 4 (aa) a patient, client, or cus-
5 tomer of a covered employer;
- 6 (bb) a family or friend of a
7 patient, client, or customer of a
8 covered employer;
- 9 (cc) a stranger with criminal
10 intent;
- 11 (dd) a coworker, supervisor,
12 or manager of a covered em-
13 ployee;
- 14 (ee) a partner, spouse, par-
15 ent, or relative of a covered em-
16 ployee; or
- 17 (ff) any other appropriate
18 classification;
- 19 (V) the type of violent incident
20 (such as type 1 violence, type 2 vio-
21 lence, type 3 violence, or type 4 vio-
22 lence); and
- 23 (VI) how the incident was
24 abated;

1 (iv) omit any element of personal
2 identifying information sufficient to allow
3 identification of any patient, resident or
4 client alleged to have committed a violent
5 incident (including the person's name, ad-
6 dress, electronic mail address, telephone
7 number, or social security number, or
8 other information that, alone or in com-
9 bination with other publicly available infor-
10 mation, reveals such person's identity);

11 (v) not later than 7 days after the em-
12 ployer learns of such incident, contain a
13 record of each violent incident, which is
14 updated to ensure completeness of such
15 record;

16 (vi) be maintained for not less than 5
17 years; and

18 (vii) in the case of a violent incident
19 involving a privacy concern case, protect
20 the identity of employees in a manner con-
21 sistent with section 1904.29(b) of title 29,
22 Code of Federal Regulations (or any cor-
23 responding similar regulation or ruling).

24 (C) ANNUAL SUMMARY.—

1 (i) COVERED EMPLOYERS.—Each cov-
2 ered employer shall prepare an annual
3 summary of each violent incident log for
4 the preceding calendar year that shall—

5 (I) with respect to each covered
6 facility, and each covered service, for
7 which such a log has been maintained,
8 include the total number of violent in-
9 cidents, the number of recordable in-
10 juries related to such incidents, and
11 the total number of hours worked by
12 the covered employees for such pre-
13 ceding year;

14 (II) be completed on a form pro-
15 vided by the Secretary;

16 (III) be posted for three months
17 beginning February 1 of each year in
18 a manner consistent with the require-
19 ments of part 1904 of title 29, Code
20 of Federal Regulations (or any cor-
21 responding similar regulations or rul-
22 ings), relating to the posting of sum-
23 maries of injury and illness logs;

1 (IV) be located in a conspicuous
2 place or places where notices to em-
3 ployees are customarily posted; and

4 (V) not be altered, defaced, or
5 covered by other material.

6 (ii) SECRETARY.—Not later than 1
7 year after the promulgation of the interim
8 final standard under section 101(a), the
9 Secretary shall make available a platform
10 for the electronic submission of annual
11 summaries required under this paragraph.

12 (5) ANNUAL REPORT.—Not later than Feb-
13 ruary 15 of each year, each covered employer shall
14 report to the Secretary, the frequency, quantity, and
15 severity of workplace violence, and any incident re-
16 sponse and post-incident investigation (including
17 abatement measures for the incidents) set forth in
18 the annual summary of the violent incident log de-
19 scribed in paragraph (4)(C).

20 (6) ANNUAL EVALUATION.—Each covered em-
21 ployer shall conduct an annual written evaluation,
22 conducted with the full, active participation of cov-
23 ered employees and employee representatives, of—

1 (A) the implementation and effectiveness
2 of the Plan, including a review of the violent in-
3 cident log; and

4 (B) compliance with training required by
5 each standard described in section 101, and
6 specified in the Plan.

7 (7) ANTI-RETALIATION.—

8 (A) POLICY.—Each covered employer shall
9 adopt a policy prohibiting any person (including
10 an agent of the employer) from discriminating
11 or retaliating against any employee for report-
12 ing, or seeking assistance or intervention from,
13 a workplace violence incident, threat, or concern
14 to the employer, law enforcement, local emer-
15 gency services, or a government agency, or par-
16 ticipating in an incident investigation.

17 (B) PROHIBITION.—No covered employer
18 shall discriminate or retaliate against any em-
19 ployee for reporting, or seeking assistance or
20 intervention from, a workplace violence incident,
21 threat, or concern to the employer, law enforce-
22 ment, local emergency services, or a government
23 agency, or for exercising any other rights under
24 this paragraph.

1 (C) ENFORCEMENT.—This paragraph shall
2 be enforced in the same manner and to the
3 same extent as any standard promulgated
4 under section 6(b) of the Occupational Safety
5 and Health Act of 1970 (29 U.S.C. 655(b)).

6 **SEC. 104. RULES OF CONSTRUCTION.**

7 Notwithstanding section 18 of the Occupational Safe-
8 ty and Health Act of 1970 (29 U.S.C. 667)—

9 (1) nothing in this title shall be construed to
10 curtail or limit authority of the Secretary under any
11 other provision of the law; and

12 (2) the rights, privileges, or remedies of covered
13 employees shall be in addition to the rights, privi-
14 leges, or remedies provided under any Federal or
15 State law, or any collective bargaining agreement.

16 **SEC. 105. OTHER DEFINITIONS.**

17 In this title:

18 (1) WORKPLACE VIOLENCE.—

19 (A) IN GENERAL.—The term “workplace
20 violence” means any act of violence or threat of
21 violence, without regard to intent, that occurs
22 at a covered facility or while a covered employee
23 performs a covered service.

1 (B) EXCLUSIONS.—The term “workplace
2 violence” does not include lawful acts of self-de-
3 fense or defense of others.

4 (C) INCLUSIONS.—The term “workplace
5 violence” includes—

6 (i) the threat or use of physical force
7 against a covered employee that results in
8 or has a high likelihood of resulting in in-
9 jury, psychological trauma, or stress, with-
10 out regard to whether the covered em-
11 ployee sustains an injury, psychological
12 trauma, or stress; and

13 (ii) an incident involving the threat or
14 use of a firearm or a dangerous weapon,
15 including the use of common objects as
16 weapons, without regard to whether the
17 employee sustains an injury, psychological
18 trauma, or stress.

19 (2) TYPE 1 VIOLENCE.—The term “type 1 vio-
20 lence”—

21 (A) means workplace violence directed at a
22 covered employee at a covered facility or while
23 performing a covered service by an individual
24 who has no legitimate business at the covered

1 facility or with respect to such covered service;
2 and

3 (B) includes violent acts by any individual
4 who enters the covered facility or worksite
5 where a covered service is being performed with
6 the intent to commit a crime.

7 (3) TYPE 2 VIOLENCE.—The term “type 2 vio-
8 lence” means workplace violence directed at a cov-
9 ered employee by customers, clients, patients, stu-
10 dents, inmates, or any individual for whom a covered
11 facility provides services or for whom the employee
12 performs covered services.

13 (4) TYPE 3 VIOLENCE.—The term “type 3 vio-
14 lence” means workplace violence directed at a cov-
15 ered employee by a present or former employee, su-
16 pervisor, or manager.

17 (5) TYPE 4 VIOLENCE.—The term “type 4 vio-
18 lence” means workplace violence directed at a cov-
19 ered employee by an individual who is not an em-
20 ployee, but has or is known to have had a personal
21 relationship with such employee.

22 (6) THREAT OF VIOLENCE.—The term “threat
23 of violence” means a statement or conduct that
24 causes a person to fear for his or her safety because
25 there is a reasonable possibility the person might be

1 physically injured, and that serves no legitimate pur-
2 pose.

3 (7) ALARM.—The term “alarm” means a me-
4 chanical, electrical, or electronic device that does not
5 rely upon an employee’s vocalization in order to alert
6 others.

7 (8) DANGEROUS WEAPON.—The term “dan-
8 gerous weapon” means an instrument capable of in-
9 flicting death or serious bodily injury, regardless of
10 whether such instrument was designed for that pur-
11 pose.

12 (9) ENGINEERING CONTROLS.—

13 (A) IN GENERAL.—The term “engineering
14 controls” means an aspect of the built space or
15 a device that removes a hazard from the work-
16 place or creates a barrier between a covered
17 employee and the hazard.

18 (B) INCLUSIONS.—For purposes of reduc-
19 ing workplace violence hazards, the term “engi-
20 neering controls” includes electronic access con-
21 trols to employee occupied areas, weapon detec-
22 tors (installed or handheld), enclosed work-
23 stations with shatter-resistant glass, deep serv-
24 ice counters, separate rooms or areas for high-
25 risk patients, locks on doors, removing access to

1 or securing items that could be used as weap-
2 ons, furniture affixed to the floor, opaque glass
3 in patient rooms (which protects privacy, but
4 allows the health care provider to see where the
5 patient is before entering the room), closed-cir-
6 cuit television monitoring and video recording,
7 sight-aids, and personal alarm devices.

8 (10) ENVIRONMENTAL RISK FACTORS.—

9 (A) IN GENERAL.—The term “environ-
10 mental risk factors” means factors in the cov-
11 ered facility or area in which a covered service
12 is performed that may contribute to the likeli-
13 hood or severity of a workplace violence inci-
14 dent.

15 (B) CLARIFICATION.—Environmental risk
16 factors may be associated with the specific task
17 being performed or the work area, such as
18 working in an isolated area, poor illumination
19 or blocked visibility, and lack of physical bar-
20 riers between employees and persons at risk of
21 committing workplace violence.

22 (11) PATIENT-SPECIFIC RISK FACTORS.—The
23 term “patient-specific risk factors” means factors
24 specific to a patient that may increase the likelihood

1 or severity of a workplace violence incident, includ-
2 ing—

3 (A) a patient’s history of violence and use
4 of drugs or alcohol; and

5 (B) any conditions or disease processes of
6 the patient that may cause the patient to expe-
7 rience confusion or disorientation, to be non-re-
8 sponsive to instruction, or to behave unpredict-
9 ably.

10 (12) SECRETARY.—The term “Secretary”
11 means the Secretary of Labor.

12 (13) WORK PRACTICE CONTROLS.—

13 (A) IN GENERAL.—The term “work prac-
14 tice controls” means procedures and rules that
15 are used to effectively reduce workplace violence
16 hazards.

17 (B) INCLUSIONS.—The term “work prac-
18 tice controls” includes assigning and placing
19 sufficient numbers of staff to reduce patient-
20 specific Type 2 workplace violence hazards, pro-
21 vision of dedicated and available safety per-
22 sonnel such as security guards, employee train-
23 ing on workplace violence prevention method
24 and techniques to de-escalate and minimize vio-
25 lent behavior, and employee training on proce-

1 dures for response in the event of a workplace
2 violence incident and for post-incident response.

3 **TITLE II—AMENDMENTS TO THE**
4 **SOCIAL SECURITY ACT**

5 **SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE**
6 **PREVENTION STANDARD TO CERTAIN FACILI-**
7 **TIES RECEIVING MEDICARE FUNDS.**

8 (a) IN GENERAL.—Section 1866 of the Social Secu-
9 rity Act (42 U.S.C. 1395cc) is amended—

10 (1) in subsection (a)(1)—

11 (A) by moving the indentation of subpara-
12 graph (W) 2 ems to the left;

13 (B) in subparagraph (X)—

14 (i) by moving the indentation 2 ems
15 to the left; and

16 (ii) by striking “and” at the end;

17 (C) in subparagraph (Y), by striking the
18 period at the end and inserting “; and”; and

19 (D) by inserting after subparagraph (Y)
20 the following new subparagraph:

21 “(Z) in the case of hospitals that are not other-
22 wise subject to the Occupational Safety and Health
23 Act of 1970 (or a State occupational safety and
24 health plan that is approved under 18(b) of such
25 Act) and skilled nursing facilities that are not other-

1 wise subject to such Act (or such a State occupa-
2 tional safety and health plan), to comply with the
3 Workplace Violence Prevention Standard (as pro-
4 mulgated under section 101 of the Workplace Vio-
5 lence Prevention for Health Care and Social Service
6 Workers Act).”; and

7 (2) in subsection (b)(4)—

8 (A) in subparagraph (A), by inserting
9 “and a hospital or skilled nursing facility that
10 fails to comply with the requirement of sub-
11 section (a)(1)(Z) (relating to the Workplace Vi-
12 olence Prevention Standard)” after
13 “Bloodborne Pathogens standard”; and

14 (B) in subparagraph (B)—

15 (i) by striking “(a)(1)(U)” and insert-
16 ing “(a)(1)(V)”; and

17 (ii) by inserting “(or, in the case of a
18 failure to comply with the requirement of
19 subsection (a)(1)(Z), for a violation of the
20 Workplace Violence Prevention standard
21 referred to in such subsection by a hospital
22 or skilled nursing facility, as applicable,
23 that is subject to the provisions of such
24 Act)” before the period at the end.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply beginning on the date that is
3 1 year after the date of issuance of the interim final stand-
4 ard on workplace violence prevention required under sec-
5 tion 101.