

118TH 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.

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IN THE SENATE OF THE UNITED STATES

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

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**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. 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 issue an interim final standard on work-  
10 place 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 and carry out other activities or require-  
18 ments described in section 103 to protect health

1 care workers, social service workers, and other  
2 personnel from workplace violence;

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; and

10 (C) that provides for a period determined  
11 appropriate by the Secretary, not to exceed 1  
12 year, during which the Secretary shall prioritize  
13 technical assistance and advice consistent with  
14 section 21(d) of the Occupational Safety and  
15 Health Act of 1970 (29 U.S.C. 670(d)) to em-  
16 ployers subject to the standard with respect to  
17 compliance with the standard.

18 (2) INAPPLICABLE PROVISIONS OF LAW AND  
19 EXECUTIVE ORDER.—The following provisions of law  
20 and Executive orders shall not apply to the issuance  
21 of the interim final standard under this subsection:

22 (A) The requirements applicable to occupa-  
23 tional safety and health standards under section  
24 6(b) of the Occupational Safety and Health Act  
25 of 1970 (29 U.S.C. 655(b)).

1 (B) The requirements of chapters 5 and 6  
2 of title 5, United States Code.

3 (C) Subchapter I of chapter 35 of title 44,  
4 United States Code (commonly referred to as  
5 the “Paperwork Reduction Act”).

6 (D) Executive Order No. 12866 (58 Fed.  
7 Reg. 51735; relating to regulatory planning and  
8 review), as amended.

9 (3) NOTICE AND COMMENT.—Notwithstanding  
10 paragraph (2)(B), the Secretary shall, prior to  
11 issuing the interim final standard under this sub-  
12 section, provide notice in the Federal Register of the  
13 interim final standard and a 30-day period for pub-  
14 lic comment.

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

17 (A) take effect on a date that is not later  
18 than 30 days after issuance, except that such  
19 interim final standard may include a reasonable  
20 phase-in period for the implementation of re-  
21 quired engineering controls that take effect  
22 after such date;

23 (B) be enforced in the same manner and  
24 to the same extent as any standard promul-  
25 gated under section 6(b) of the Occupational

1 Safety and Health Act of 1970 (29 U.S.C.  
2 655(b)); and

3 (C) be in effect until the final standard de-  
4 scribed in subsection (b) becomes effective and  
5 enforceable.

6 (5) FAILURE TO PROMULGATE.—If an interim  
7 final standard described in paragraph (1) is not  
8 issued not later than 1 year of the date of enactment  
9 of this Act, the provisions of this title shall be in ef-  
10 fect and enforced in the same manner and to the  
11 same extent as any standard promulgated under sec-  
12 tion 6(b) of the Occupational Safety and Health Act  
13 of 1970 (29 U.S.C. 655(b)) until such provisions are  
14 superseded in whole by an interim final standard  
15 issued by the Secretary that meets the requirements  
16 of paragraph (1).

17 (b) FINAL STANDARD.—

18 (1) PROPOSED STANDARD.—Not later than 2  
19 years after the date of enactment of this Act, the  
20 Secretary of Labor shall, pursuant to section 6 of  
21 the Occupational Safety and Health Act of 1970 (29  
22 U.S.C. 655), promulgate a proposed standard on  
23 workplace violence prevention—

24 (A) for the purposes described in sub-  
25 section (a)(1)(A); and

1 (B) that shall include, at a minimum, re-  
2 quirements contained in the interim final stand-  
3 ard required under subsection (a).

4 (2) FINAL STANDARD.—Not later than 42  
5 months after the date of enactment of this Act, the  
6 Secretary shall issue a final standard on such pro-  
7 posed standard that shall—

8 (A) provide no less protection than any  
9 workplace violence standard adopted by a State  
10 plan that has been approved by the Secretary  
11 under section 18 of the Occupational Safety  
12 and Health Act of 1970 (29 U.S.C. 667), pro-  
13 vided the Secretary finds that the final stand-  
14 ard is feasible on the basis of the best available  
15 evidence; and

16 (B) be effective and enforceable in the  
17 same manner and to the same extent as any  
18 standard promulgated under section 6(b) of the  
19 Occupational Safety and Health Act of 1970  
20 (29 U.S.C. 655(b)).

21 **SEC. 102. SCOPE AND APPLICATION.**

22 In this title:

23 (1) COVERED FACILITY.—

24 (A) IN GENERAL.—The term “covered fa-  
25 cility” includes the following:

1 (i) Any hospital, including any spe-  
2 cialty hospital, in-patient or outpatient set-  
3 ting, or clinic operating within a hospital  
4 license, or any setting that provides out-  
5 patient services.

6 (ii) Any residential treatment facility,  
7 including any nursing home, skilled nurs-  
8 ing facility, hospice facility, Alzheimer's  
9 and memory care facility, and long-term  
10 care facility.

11 (iii) Any nonresidential treatment or  
12 service setting.

13 (iv) Any medical treatment or social  
14 service setting or clinic at a correctional or  
15 detention facility.

16 (v) Any community care setting, in-  
17 cluding a community-based residential fa-  
18 cility, group home, and mental health clin-  
19 ic.

20 (vi) Any psychiatric treatment facility.

21 (vii) Any drug abuse or substance use  
22 disorder treatment center.

23 (viii) Any independent freestanding  
24 emergency center.

1 (ix) Any facility described in clauses  
2 (i) through (viii) operated by a Federal  
3 Government agency and required to comply  
4 with occupational safety and health stand-  
5 ards pursuant to part 1960 of title 29,  
6 Code of Federal Regulations (as such part  
7 is in effect on the date of enactment of this  
8 Act).

9 (x) Any other facility the Secretary  
10 determines should be covered under the  
11 standards promulgated under section 101.

12 (B) EXCLUSION.—The term “covered facil-  
13 ity” does not include an office of a physician,  
14 dentist, podiatrist, or any other health practi-  
15 tioner that is not physically located within a  
16 covered facility described in clauses (i) through  
17 (x) of subparagraph (A).

18 (2) COVERED SERVICES.—

19 (A) IN GENERAL.—The term “covered  
20 service” includes the following services and op-  
21 erations:

22 (i) Any services and operations pro-  
23 vided in any field work setting, including  
24 home health care, home-based hospice, and  
25 home-based social work.



1 (ii) Any emergency services and trans-  
2 port, including such services provided by  
3 firefighters and emergency responders.

4 (iii) Any services described in clauses  
5 (i) and (ii) performed by a Federal Gov-  
6 ernment agency and required to comply  
7 with occupational safety and health stand-  
8 ards pursuant to part 1960 of title 29,  
9 Code of Federal Regulations (as such part  
10 is in effect on the date of enactment of this  
11 Act).

12 (iv) Any other services and operations  
13 the Secretary determines should be covered  
14 under the standards promulgated under  
15 section 101.

16 (B) EXCLUSION.—The term “covered serv-  
17 ice” does not include child day care services.

18 (3) COVERED EMPLOYER.—

19 (A) IN GENERAL.—The term “covered em-  
20 ployer” includes a person (including a con-  
21 tractor, a subcontractor, a temporary service  
22 firm, or an employee leasing entity) that em-  
23 ploys an individual to work at a covered facility  
24 or to perform covered services.

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

6 (4) COVERED EMPLOYEE.—The term “covered  
7 employee” includes an individual employed by a cov-  
8 ered employer to work at a covered facility or to per-  
9 form covered services.

10 **SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE**  
11 **PREVENTION STANDARD.**

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

14 (1) WORKPLACE VIOLENCE PREVENTION  
15 PLAN.—Not later than 6 months after the date of  
16 promulgation of the interim final standard under  
17 section 101(a), or 18 months after the date of enact-  
18 ment of this Act in a case described in section  
19 101(a)(5), a covered employer shall develop, imple-  
20 ment, and maintain an effective written workplace  
21 violence prevention plan (in this section referred to  
22 as the “Plan”) for covered employees at each cov-  
23 ered facility and for covered employees performing a  
24 covered service on behalf of such employer, which  
25 meets the following:

1 (A) PLAN DEVELOPMENT.—Each Plan—

2 (i) shall be developed and imple-  
3 mented with the meaningful participation  
4 of direct care employees, other employees,  
5 and employee representatives, for all as-  
6 pects of the Plan;

7 (ii) shall be tailored and specific to  
8 conditions and hazards for the covered fa-  
9 cility or the covered service, including pa-  
10 tient-specific risk factors and risk factors  
11 specific to each work area or unit;

12 (iii) shall be suitable for the size, com-  
13 plexity, and type of operations at the cov-  
14 ered facility or for the covered service, and  
15 remain in effect at all times; and

16 (iv) may be in consultation with stake-  
17 holders or experts who specialize in work-  
18 place violence prevention, emergency re-  
19 sponse, or other related areas of expertise  
20 for all relevant aspects of the Plan.

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

23 (i) Identification of the individual and  
24 the individual's position responsible for im-  
25 plementation of the Plan.

- 1                   (ii) With respect to each work area  
2                   and unit at the covered facility or while  
3                   covered employees are performing the cov-  
4                   ered service, risk assessment and identi-  
5                   fication of workplace violence risks and  
6                   hazards to employees exposed to such risks  
7                   and hazards (including environmental risk  
8                   factors and patient-specific risk factors),  
9                   which shall be—
- 10                               (I) informed by past violent inci-  
11                               dents specific to such covered facility  
12                               or such covered service; and
- 13                               (II) conducted with, at a min-  
14                               imum—
- 15                                       (aa) direct care employees;  
16                                       (bb) where applicable, the  
17                               representatives of such employ-  
18                               ees; and
- 19                                       (cc) the employer.
- 20                   (iii) Hazard prevention, engineering  
21                   controls, or work practice controls to cor-  
22                   rect hazards, in a timely manner, applying  
23                   industrial hygiene principles of the hier-  
24                   archy of controls, which—

1 (I) may include security and  
2 alarm systems, adequate exit routes,  
3 monitoring systems, barrier protec-  
4 tion, established areas for patients  
5 and clients, lighting, entry procedures,  
6 staffing and working in teams, and  
7 systems to identify and flag clients  
8 with a history of violence; and

9 (II) shall ensure that employers  
10 correct, in a timely manner, hazards  
11 identified in any violent incident in-  
12 vestigation described in paragraph (2)  
13 and any annual report described in  
14 paragraph (5).

15 (iv) Reporting, incident response, and  
16 post-incident investigation procedures, in-  
17 cluding procedures—

18 (I) for employees to report work-  
19 place violence risks, hazards, and inci-  
20 dents;

21 (II) for employers to respond to  
22 reports of workplace violence;

23 (III) for employers to perform a  
24 post-incident investigation and de-  
25 briefing of all reports of workplace vi-



1                    ployees who work at the covered facil-  
2                    ity or who are performing the covered  
3                    service; and

4                    (II) determining which covered  
5                    employer or covered employers shall  
6                    be responsible for implementing and  
7                    complying with the provisions of the  
8                    standard applicable to the working  
9                    conditions over which such employers  
10                   have control.

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

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

17                   (2) VIOLENT INCIDENT INVESTIGATION.—

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

24                   (i) review the circumstances of the in-  
25                   cident, risk, or hazard, and whether any

1 controls or measures implemented pursu-  
2 ant to the Plan of the employer were effec-  
3 tive; and

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

11 (B) DOCUMENTATION.—A covered em-  
12 ployer shall document the findings, rec-  
13 ommendations, and corrective measures taken  
14 for each investigation conducted under this  
15 paragraph.

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

22 (A) Annual training and education shall  
23 include information on the Plan, including iden-  
24 tified workplace violence hazards, work practice  
25 control measures, reporting procedures, record



1 keeping requirements, response procedures,  
2 anti-retaliation policies, and employee rights.

3 (B) Additional hazard recognition training  
4 shall be provided for supervisors and managers  
5 to ensure they—

6 (i) can recognize high-risk situations;

7 and

8 (ii) do not assign employees to situa-  
9 tions that predictably compromise the safe-  
10 ty of such employees.

11 (C) Additional training shall be provided  
12 for each such covered employee whose job cir-  
13 cumstances have changed, within a reasonable  
14 timeframe after such change.

15 (D) Additional training shall be provided  
16 for each such covered employee whose job cir-  
17 cumstances require working with victims of tor-  
18 ture, trafficking, or domestic violence.

19 (E) Applicable training shall be provided  
20 under this paragraph for each new covered em-  
21 ployee prior to the employee's job assignment.

22 (F) All training shall provide such employ-  
23 ees opportunities to ask questions, give feed-  
24 back on training, and request additional in-  
25 struction, clarification, or other followup.

1 (G) All training shall be provided in-person  
2 and by an individual with knowledge of work-  
3 place violence prevention and of the Plan, ex-  
4 cept that any annual training described in sub-  
5 paragraph (A) provided to an employee after  
6 the first year such training is provided to such  
7 employee may be conducted by live video if in-  
8 person training is impracticable.

9 (H) All training shall be appropriate in  
10 content and vocabulary to the language, edu-  
11 cational level, and literacy of such covered em-  
12 ployees.

13 (4) RECORDKEEPING AND ACCESS TO PLAN  
14 RECORDS.—

15 (A) IN GENERAL.—Each covered employer  
16 shall—

17 (i) maintain for not less than 5  
18 years—

19 (I) records related to each Plan  
20 of the employer, including workplace  
21 violence risk and hazard assessments,  
22 and identification, evaluation, correc-  
23 tion, and training procedures;

24 (II) a violent incident log de-  
25 scribed in subparagraph (B) for re-

1 cording all workplace violence inci-  
2 dents; and

3 (III) records of all incident inves-  
4 tigations as required under paragraph  
5 (2)(B); and

6 (ii)(I) make such records and logs  
7 available, upon request, to covered employ-  
8 ees and their representatives for examina-  
9 tion and copying in accordance with sec-  
10 tion 1910.1020 of title 29, Code of Federal  
11 Regulations (as such section is in effect on  
12 the date of enactment of this Act), and in  
13 a manner consistent with HIPAA privacy  
14 regulations (defined in section 1180(b)(3)  
15 of the Social Security Act (42 U.S.C.  
16 1320d-9(b)(3))) and part 2 of title 42,  
17 Code of Federal Regulations (as such part  
18 is in effect on the date of enactment of this  
19 Act); and

20 (II) ensure that any such records and  
21 logs that may be copied, transmitted elec-  
22 tronically, or otherwise removed from the  
23 employer's control for purposes of this  
24 clause omit any element of personal identi-  
25 fying information sufficient to allow identi-

1           fication of any patient, resident, client, or  
2           other individual alleged to have committed  
3           a violent incident (including the individ-  
4           ual's name, address, electronic mail ad-  
5           dress, telephone number, or social security  
6           number, or other information that, alone  
7           or in combination with other publicly avail-  
8           able information, reveals such individual's  
9           identity).

10           (B) VIOLENT INCIDENT LOG DESCRIP-  
11           TION.—Each violent incident log shall—

12                   (i) be maintained by a covered em-  
13                   ployer for each covered facility controlled  
14                   by the employer and for each covered serv-  
15                   ice being performed by a covered employee  
16                   on behalf of such employer;

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

20                   (iii) include, at a minimum, a descrip-  
21                   tion of—

22                           (I) the violent incident (including  
23                           environmental risk factors present at  
24                           the time of the incident);

1 (II) the date, time, and location  
2 of the incident, and the names and  
3 job titles of involved employees;

4 (III) the nature and extent of in-  
5 juries to covered employees;

6 (IV) a classification of the pepe-  
7 trator who committed the violence, in-  
8 cluding whether the perpetrator was—

9 (aa) a patient, client, resi-  
10 dent, or customer of a covered  
11 employer;

12 (bb) a family or friend of a  
13 patient, client, resident, or cus-  
14 tomer of a covered employer;

15 (cc) a stranger;

16 (dd) a coworker, supervisor,  
17 or manager of a covered em-  
18 ployee;

19 (ee) a partner, spouse, par-  
20 ent, or relative of a covered em-  
21 ployee; or

22 (ff) any other appropriate  
23 classification;

24 (V) the type of violent incident  
25 (such as type 1 violence, type 2 vio-

1                    lence, type 3 violence, or type 4 vio-  
2                    lence); and

3                    (VI) how the incident was  
4                    abated;

5                    (iv) not later than 7 days after the  
6                    employer learns of such incident, contain a  
7                    record of each violent incident, which is  
8                    updated to ensure completeness of such  
9                    record;

10                    (v) be maintained for not less than 5  
11                    years; and

12                    (vi) in the case of a violent incident  
13                    involving a privacy concern case, protect  
14                    the identity of employees in a manner con-  
15                    sistent with section 1904.29(b) of title 29,  
16                    Code of Federal Regulations (as such sec-  
17                    tion is in effect on the date of enactment  
18                    of this Act).

19                    (C) ANNUAL SUMMARY.—

20                    (i) COVERED EMPLOYERS.—Each cov-  
21                    ered employer shall prepare and submit to  
22                    the Secretary an annual summary of each  
23                    violent incident log for the preceding cal-  
24                    endar year that shall—

1 (I) with respect to each covered  
2 facility, and each covered service, for  
3 which such a log has been maintained,  
4 include—

5 (aa) the total number of vio-  
6 lent incidents;

7 (bb) the number of record-  
8 able injuries related to such inci-  
9 dents; and

10 (cc) the total number of  
11 hours worked by the covered em-  
12 ployees for such preceding year;

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

15 (III) be posted for 3 months be-  
16 ginning February 1 of each year in a  
17 manner consistent with the require-  
18 ments of part 1904 of title 29, Code  
19 of Federal Regulations (as such part  
20 is in effect on the date of enactment  
21 of this Act), relating to the posting of  
22 summaries of injury and illness logs;

23 (IV) be located in a conspicuous  
24 place or places where notices to em-  
25 ployees are customarily posted; and

1 (V) not be altered, defaced, or  
2 covered by other material.

3 (ii) SECRETARY.—Not later than 1  
4 year after the promulgation of the interim  
5 final standard under section 101(a), or 2  
6 years after the date of enactment of this  
7 Act in a case described in section  
8 101(a)(5), the Secretary shall make avail-  
9 able a platform for the electronic submis-  
10 sion of annual summaries required under  
11 this subparagraph.

12 (5) ANNUAL REPORT.—

13 (A) REPORT TO SECRETARY.—Not later  
14 than February 15 of each year, each covered  
15 employer shall report to the Secretary, on a  
16 form provided by the Secretary, the frequency,  
17 quantity, and severity of workplace violence,  
18 and any incident response and post-incident in-  
19 vestigation (including abatement measures) for  
20 the incidents set forth in the annual summary  
21 of the violent incident log described in para-  
22 graph (4)(C).

23 (B) REPORT TO CONGRESS.—Not later  
24 than 6 months after February 15 of each year,  
25 the Secretary shall submit to Congress a sum-



1           mary of the reports received under subpara-  
2           graph (A). The contents of the summary of the  
3           Secretary to Congress shall not disclose any  
4           confidential information.

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

9                   (A) the implementation and effectiveness  
10                  of the Plan, including a review of the violent in-  
11                  cident log; and

12                   (B) compliance with training required by  
13                  each standard described in section 101, and  
14                  specified in the Plan.

15           (7) PLAN UPDATES.—Each covered employer  
16           shall incorporate changes to the Plan, in a manner  
17           consistent with paragraph (1)(A)(i) and based on  
18           findings from the most recent annual evaluation con-  
19           ducted under paragraph (6), as appropriate.

20           (8) ANTI-RETALIATION.—

21                   (A) POLICY.—Each covered employer shall  
22                  adopt a policy prohibiting any person (including  
23                  an agent of the employer) from the discrimina-  
24                  tion or retaliation described in subparagraph  
25                  (B).

1 (B) PROHIBITION.—No covered employer  
2 shall discriminate or retaliate against any em-  
3 ployee for—

4 (i) reporting a workplace violence inci-  
5 dent, threat, or concern to, or seeking as-  
6 sistance or intervention with respect to  
7 such incident, threat, or concern from, the  
8 employer, law enforcement, local emer-  
9 gency services, or a local, State, or Federal  
10 government agency; or

11 (ii) exercising any other rights under  
12 this section.

13 (C) ENFORCEMENT.—This paragraph shall  
14 be enforced in the same manner and to the  
15 same extent as any standard promulgated  
16 under section 6(b) of the Occupational Safety  
17 and Health Act of 1970 (29 U.S.C. 655(b)).

18 **SEC. 104. RULES OF CONSTRUCTION.**

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

21 (1) nothing in this title shall be construed to  
22 curtail or limit authority of the Secretary under any  
23 other provision of the law;

24 (2) the rights, privileges, or remedies of covered  
25 employees shall be in addition to the rights, privi-

1 leges, or remedies provided under any Federal or  
2 State law, or any collective bargaining agreement;

3 (3) nothing in this Act shall be construed to  
4 limit or prevent health care workers, social service  
5 workers, and other personnel from reporting violent  
6 incidents to appropriate law enforcement; and

7 (4) nothing in this Act shall be construed to  
8 limit or diminish any protections in relevant Federal,  
9 State, or local law related to—

10 (A) domestic violence;

11 (B) stalking;

12 (C) dating violence; and

13 (D) sexual assault.

14 **SEC. 105. OTHER DEFINITIONS.**

15 In this title:

16 (1) **WORKPLACE VIOLENCE.**—

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

22 (B) **EXCLUSIONS.**—The term “workplace  
23 violence” does not include lawful acts of self-de-  
24 fense or lawful acts of defense of others.

1 (C) INCLUSIONS.—The term “workplace  
2 violence” includes—

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

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

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

18 (A) means workplace violence directed at a  
19 covered employee at a covered facility or while  
20 performing a covered service by an individual  
21 who has no legitimate business at the covered  
22 facility or with respect to such covered service;  
23 and

24 (B) includes violent acts by any individual  
25 who enters the covered facility or worksite

1           where a covered service is being performed with  
2           the intent to commit a crime.

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

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

13          (5) TYPE 4 VIOLENCE.—The term “type 4 vio-  
14          lence” means workplace violence directed at a cov-  
15          ered employee by an individual who is not an em-  
16          ployee, but has or is known to have had a personal  
17          relationship with such employee, or with a customer,  
18          client, patient, student, inmate, or any individual for  
19          whom a covered facility provides services or for  
20          whom the employee performs covered services.

21          (6) THREAT OF VIOLENCE.—The term “threat  
22          of violence” means a statement or conduct that—

23                  (A) causes an individual to fear for such  
24                  individual’s safety because there is a reasonable

1 possibility the individual might be physically in-  
2 jured; and

3 (B) serves no legitimate purpose.

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

8 (8) DANGEROUS WEAPON.—The term “dan-  
9 gerous weapon” means an instrument capable of in-  
10 flicting death or serious bodily injury, without re-  
11 gard to whether such instrument was designed for  
12 that purpose.

13 (9) ENGINEERING CONTROLS.—

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

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

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

9 (10) ENVIRONMENTAL RISK FACTORS.—

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

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

23 (11) PATIENT-SPECIFIC RISK FACTORS.—The  
24 term “patient-specific risk factors” means factors  
25 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 treatment and medication  
4 status, and history of violence and use of drugs  
5 or alcohol; and

6 (B) any conditions or disease processes of  
7 the patient that may cause the patient to expe-  
8 rience confusion or disorientation, be non-  
9 responsive to instruction, behave unpredictably,  
10 or engage in disruptive, threatening, or violent  
11 behavior.

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

14 (13) WORK PRACTICE CONTROLS.—

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

19 (B) INCLUSIONS.—The term “work prac-  
20 tice controls” includes—

21 (i) assigning and placing sufficient  
22 numbers of staff to reduce patient-specific  
23 type 2 violence hazards;



1 (ii) provision of dedicated and avail-  
2 able safety personnel such as security  
3 guards;

4 (iii) employee training on workplace  
5 violence prevention methods and tech-  
6 niques to de-escalate and minimize violent  
7 behavior; and

8 (iv) employee training on procedures  
9 for response in the event of a workplace vi-  
10 olence incident and for post-incident re-  
11 sponse.

12 **TITLE II—AMENDMENTS TO THE**  
13 **SOCIAL SECURITY ACT**

14 **SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE**  
15 **PREVENTION STANDARD TO CERTAIN FACILI-**  
16 **TIES RECEIVING MEDICARE FUNDS.**

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

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (X), by striking  
21 “and” at the end;

22 (B) in subparagraph (Y), by striking the  
23 period at the end and inserting “, and”; and

24 (C) by inserting after subparagraph (Y)  
25 the following new subparagraph:

1           “(Z) in the case of hospitals that are not other-  
2           wise subject to the Occupational Safety and Health  
3           Act of 1970 (or a State occupational safety and  
4           health plan that is approved under 18(b) of such  
5           Act) and skilled nursing facilities that are not other-  
6           wise subject to such Act (or such a State occupa-  
7           tional safety and health plan), to comply with the  
8           Workplace Violence Prevention Standard (as pro-  
9           mulgated under section 101 of the Workplace Vio-  
10          lence Prevention for Health Care and Social Service  
11          Workers Act).”; and

12           (2) in subsection (b)(4)—

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

19           (B) in subparagraph (B)—

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

22           (ii) by inserting “(or, in the case of a  
23           failure to comply with the requirement of  
24           subsection (a)(1)(Z), for a violation of the  
25           Workplace Violence Prevention standard

1                   referred to in such subsection by a hospital  
2                   or skilled nursing facility, as applicable,  
3                   that is subject to the provisions of such  
4                   Act)” before the period at the end.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
6 subsection (a) shall apply beginning on the date that is  
7 1 year after the date of issuance of the interim final stand-  
8 ard on workplace violence prevention required under sec-  
9 tion 101.