

SB 823 A STAFF MEASURE SUMMARY

Carrier: Rep. Prusak

House Committee On Health Care**Action Date:** 05/16/19**Action:** Do Pass the A-Eng bill.**Vote:** 11-0-0-0**Yeas:** 11 - Alonso Leon, Boles, Drazan, Greenlick, Hayden, Keny-Guyer, Mitchell, Noble, Nosse, Prusak, Salinas**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 5/16**WHAT THE MEASURE DOES:**

Requires health care employers to conduct a comprehensive security and safety evaluation by June 30, 2021, identifying factors that may cause violence committed against employees on the premises of the employer. Requires employers to report on completion of same to the Department of Consumer and Business Services (DCBS) by December 31, 2021. Requires DCBS to compile reports and submit to the Legislative Assembly by March 22, 2022. Makes it an unlawful employment practice to discriminate against persons making good faith reports of assault on a health care employer's premises or in the home of a patient receiving home health care services. Requires health care employers to establish a process to review prevention and protection programs at least once every two years in consultation with the employer's workplace safety committee. Requires health care employers to generate and make available a report summarizing assault information upon request of an employee or workplace safety committee. Specifies permissible uses of reports.

ISSUES DISCUSSED:

- Components, implementation, and use of the Workplace Violence Prevention Toolkit
- Workplace violence experienced by hospital staff
- Incorporating cultural competency training in the Toolkit
- Oregon Occupational Safety and Health Administration, DCBS, employee health and safety violations; whistleblower protections
- Patient sedation in emergency situations

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health defines workplace violence as "violent acts (including physical assaults and threats of assaults) directed toward people at work or on duty." The U.S. Department of Labor defines workplace violence as an action (verbal, written, or physical aggression) that is intended to control or cause, or is capable of causing, death or serious bodily injury to oneself or others, or damage to property. Workplace violence includes abusive behavior toward authority, intimidating or harassing behavior, and threats. According to the Occupational Safety and Health Administration, approximately 75 percent of nearly 25,000 workplace assaults reported annually occurred in health care and social service settings, and workers in health care settings are four times more likely to be victimized than workers in private industry.

In 2007, the Legislative Assembly passed House Bill 2022 requiring hospitals, ambulatory surgical centers, and home health care services operated by hospitals to implement strategies to protect health care employees from

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acts of violence in the workplace. The bill specifically required health care employees to conduct periodic security and safety assessments, develop and implement an assault prevention and protection program, and provide assault prevention and protection training. In 2014, the Oregon Association of Hospitals and Health Systems (OAHHS) convened the Workplace Safety Initiative (WSI) Work Group to address workplace violence. Work group members included representatives from SEIU Local 49, the Oregon Nurses Association, and representatives from various OAHHS member hospitals in Oregon. Work group activity resulted in pilot projects, and in 2017, the creation of the Workplace Violence Prevention Toolkit for hospitals.

Senate Bill 823-A builds on Oregon's existing workplace safety laws by protecting reporters of workplace violence and requiring health care employers to conduct and report a comprehensive security and safety evaluation.