

HOUSE BILL 612

K3, J3

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By: **Delegate Cox**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Health Care Facilities – Workplace Safety Program –**
3 **Revisions**

4 FOR the purpose of requiring that a certain annual assessment required to be included in
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
10 laws, to provide a certain report to the Governor and the General Assembly and to
11 post a certain report on a certain website on or before a certain date each year; and
12 generally 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.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Labor and Employment

5–1101.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Health care facility” means:

(i) a hospital; or

(ii) a State residential center.

(2) “Health care facility” includes:

(i) a subacute care unit of a hospital; and

(ii) a State–operated hospital.

(c) “Health care worker” means an individual employed by a health care facility.

(d) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

(e) “State residential center” has the meaning stated in § 7–101 of the Health – General Article.

(f) “Workplace safety” means the prevention of any physical assault or threatening behavior against a health care worker in a health care facility.

5–1102.

(a) A health care facility shall establish a workplace safety committee to establish and administer a workplace safety program.

(b) The workplace safety committee established under subsection (a) of this section shall be composed of an equal number of employees who work in management and employees who do not work in management.

5–1103.

(a) The workplace safety committee shall establish a workplace safety program that is appropriate for the size and complexity of the health care facility.

(b) The workplace safety program established under subsection (a) of this section shall include:

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

(2) an annual assessment to:

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

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

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

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

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

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:

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

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

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