

SENATE BILL NO. 357

April 15, 2021, Introduced by Senators IRWIN, MCCANN, WOJNO, MOSS, MCBROOM, BULLOCK, CHANG, BRINKS, GEISS, SANTANA, BAYER and HOLLIER and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 2468, 2468a, 20195,
and 20195a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2468. (1) A local health department shall establish a
2 violence prevention committee. At least 50% of the violence
3 prevention committee members must be employees of the local health

1 department who provide care directly to a patient. The local health
2 department shall ensure that the violence prevention committee
3 establishes, maintains, and annually reviews a written violence
4 prevention plan that includes at least all of the following:

5 (a) The identification of risk factors contributing to violent
6 acts at the local health department and annual recommendations on
7 how to reduce each risk factor.

8 (b) An annual violent act risk assessment for the local health
9 department that considers all of the following, as applicable:

10 (i) The local health department's layout, equipment, access
11 restrictions, and lighting.

12 (ii) Communication devices used by the local health department,
13 emergency response within the local health department, and the
14 sufficiency of the local health department's security system,
15 including, but not limited to, an alarm system.

16 (iii) The crime rate in the area surrounding the local health
17 department.

18 (iv) The impact of staffing at the local health department,
19 including, but not limited to, health professionals and security
20 personnel.

21 (v) The unique needs and characteristics of the patients or
22 residents served by the local health department.

23 (vi) A review of each record described in subsection (6).

24 (c) A procedure for how an employee of the local health
25 department may report a concern or a violent act to the local
26 health department, how the report will be investigated by the local
27 health department, and how the local health department will inform
28 the employee of the result of the investigation and any corrective
29 action that will be taken by the local health department.

1 (2) A local health department shall annually submit the
2 violence prevention plan developed under subsection (1) to the
3 department.

4 (3) A local health department shall annually provide violence
5 prevention training to all employees of the local health department
6 and shall provide violence prevention training to a new employee of
7 the local health department within 60 days after the date of hire.
8 The training must include a review of all of the following:

9 (a) The local health department's policy on workplace violence
10 prevention.

11 (b) Techniques to deescalate situations and minimize violent
12 acts.

13 (c) Appropriate responses to aggressive behavior, including,
14 but not limited to, the use of restraining techniques.

15 (d) Requirements and procedures for reporting a violent act.

16 (e) The location of a safety device and how to operate the
17 device.

18 (f) Resources for coping with a violent act.

19 (g) The rights of employees regarding a violent act and an
20 injury resulting from a violent act.

21 (4) If an employee of a local health department provides care
22 directly to a patient, the local health department shall only use
23 the employee's first name on his or her identification badge.

24 (5) A local health department shall post in the local health
25 department at least 1 sign stating that violent acts are not
26 tolerated. The sign must be posted in a conspicuous location that
27 is visible to the public. The local health department shall also
28 include on its admission forms a conspicuous statement indicating
29 that violent acts are not tolerated.

(6) A local health department shall create and maintain a record of a violent act, regardless of whether an injury resulted from the violent act or who reported the violent act to the local health department. A local health department shall retain the record for a minimum of 5 years from the date the violent act is reported to the local health department and shall make the record available to an employee who was the victim of the violent act, the employee's authorized representative, and the department, on request. Except as otherwise prohibited by law, the record must include all of the following:

(a) The date, time, and location of the violent act.

(b) The name and job title of the employee who was the victim of the violent act, unless the employee indicates to the local health department that he or she wishes to keep his or her identity confidential.

(c) The name of the individual who committed the violent act and whether the individual was a patient of the local health department, a visitor of the local health department, or an employee of the local health department.

(d) The nature of the violent act, including whether a weapon was used.

(e) If an injury during the violent act occurred, a description of the injury.

(f) The number of employees and the names of the employees who were in the vicinity when the violent act occurred and their actions in response to the violent act, if any.

(g) The actions taken by the local health department in response to the violent act.

(7) Except as otherwise provided in subsection (8), within 24

1 hours of receiving a report of a violent act, a local health
2 department shall report the violent act to the department and a
3 local law enforcement agency with jurisdiction over the local
4 health department where the violent act occurred if any of the
5 following are met:

6 (a) The violent act results in an injury.

7 (b) The violent act involves the use of a firearm or another
8 dangerous weapon.

9 (c) The violent act presents an emergent threat to the
10 welfare, health, or safety of employees of the local health
11 department.

12 (8) A local health department may report a violent act to the
13 department and a local law enforcement agency with jurisdiction
14 over the local health department where the violent act occurred if
15 the violent act was committed by an individual with a disability or
16 disease and the violent act was a clear and direct manifestation of
17 the individual's disability or disease.

18 (9) A local health department shall not penalize an employee
19 in any manner for reporting a violent act to the local health
20 department or participating in the criminal prosecution of an
21 individual who commits a violent act.

22 (10) As used in this section, "violent act" means a battery or
23 an assault of an employee of a local health department while the
24 employee is at work.

25 Sec. 2468a. (1) Beginning January 1, 2022, and annually
26 thereafter, the department shall post a report on its website that
27 includes, but is not limited to, all of the following information
28 for the preceding calendar year:

29 (a) The total number of violent acts reported to the

1 department under section 2468 and the name of each local health
2 department that filed a report with the department.

3 (b) If the department conducted an inspection or investigation
4 due to a violent act reported to the department under section 2468,
5 the outcome of the inspection or investigation.

6 (c) If a local health department violated section 2468, the
7 name of the local health department and the nature of the
8 violation.

9 (2) The department shall ensure that the report required under
10 this section protects the confidentiality of an employee of a local
11 health department or a patient of a local health department.

12 (3) As used in this section, "violent act" means that term as
13 defined in section 2468.

14 Sec. 20195. (1) A health facility or agency shall establish a
15 violence prevention committee. At least 50% of the violence
16 prevention committee members must be employees of the health
17 facility or agency who provide care directly to a patient. The
18 health facility or agency shall ensure that the violence prevention
19 committee establishes, maintains, and annually reviews a written
20 violence prevention plan that includes at least all of the
21 following:

22 (a) The identification of risk factors contributing to violent
23 acts at the health facility or agency and annual recommendations on
24 how to reduce each risk factor.

25 (b) An annual violent act risk assessment for the health
26 facility or agency that considers all of the following, as
27 applicable:

28 (i) The health facility's or agency's layout, equipment, access
29 restrictions, and lighting.

1 (ii) Communication devices used by the health facility or
2 agency, emergency response within the health facility or agency,
3 and the sufficiency of the health facility's or agency's security
4 system, including, but not limited to, an alarm system.

5 (iii) The crime rate in the area surrounding the health facility
6 or agency.

7 (iv) The impact of staffing at the health facility or agency,
8 including, but not limited to, health professionals and security
9 personnel.

10 (v) The unique needs and characteristics of the patients or
11 residents served by the health facility or agency.

12 (vi) A review of each record described in subsection (6).

13 (c) A procedure for how an employee of the health facility or
14 agency may report a concern or a violent act to the health facility
15 or agency, how the report will be investigated by the health
16 facility or agency, and how the health facility or agency will
17 inform the employee of the result of the investigation and any
18 corrective action that will be taken by the health facility or
19 agency.

20 (2) A health facility or agency shall annually submit the
21 violence prevention plan developed under subsection (1) to the
22 department.

23 (3) A health facility or agency shall annually provide
24 violence prevention training to all employees of the health
25 facility or agency and shall provide violence prevention training
26 to a new employee of the health facility or agency within 60 days
27 after the date of hire. The training must include a review of all
28 of the following:

29 (a) The health facility's or agency's policy on workplace

1 violence prevention.

2 (b) Techniques to deescalate situations and minimize violent
3 acts.

4 (c) Appropriate responses to aggressive behavior, including,
5 but not limited to, the use of restraining techniques.

6 (d) Requirements and procedures for reporting a violent act.

7 (e) The location of a safety device and how to operate the
8 device.

9 (f) Resources for coping with a violent act.

10 (g) The rights of employees regarding a violent act and an
11 injury resulting from a violent act.

12 (4) If an employee of a health facility or agency provides
13 care directly to a patient, the health facility or agency shall
14 only use the employee's first name on his or her identification
15 badge.

16 (5) A health facility or agency shall post in the health
17 facility or agency at least 1 sign stating that violent acts are
18 not tolerated. The sign must be posted in a conspicuous location
19 that is visible to the public. The health facility or agency shall
20 also include on its admission forms a conspicuous statement
21 indicating that violent acts are not tolerated.

22 (6) A health facility or agency shall create and maintain a
23 record of a violent act, regardless of whether an injury resulted
24 from the violent act or who reported the violent act to the health
25 facility or agency. A health facility or agency shall retain the
26 record for a minimum of 5 years from the date the violent act is
27 reported to the health facility or agency and shall make the record
28 available to an employee who was the victim of the violent act, the
29 employee's authorized representative, and the department, on

1 request. Except as otherwise prohibited by law, the record must
2 include all of the following:

3 (a) The date, time, and location of the violent act.

4 (b) The name and job title of the employee who was the victim
5 of the violent act, unless the employee indicates to the health
6 facility or agency that he or she wishes to keep his or her
7 identity confidential.

8 (c) The name of the individual who committed the violent act
9 and whether the individual was a patient or resident of the health
10 facility or agency, a visitor of the health facility or agency, or
11 an employee of the health facility or agency.

12 (d) The nature of the violent act, including whether a weapon
13 was used.

14 (e) If an injury during the violent act occurred, a
15 description of the injury.

16 (f) The number of employees and the names of the employees who
17 were in the vicinity when the violent act occurred and their
18 actions in response to the violent act, if any.

19 (g) The actions taken by the health facility or agency in
20 response to the violent act.

21 (7) Except as otherwise provided in subsection (8), within 24
22 hours of receiving a report of a violent act, a health facility or
23 agency shall report the violent act to the department and a local
24 law enforcement agency with jurisdiction over the health facility
25 or agency where the violent act occurred if any of the following
26 are met:

27 (a) The violent act results in an injury.

28 (b) The violent act involves the use of a firearm or another
29 dangerous weapon.

1 (c) The violent act presents an emergent threat to the
2 welfare, health, or safety of employees of the health facility or
3 agency.

4 (8) A health facility or agency may report a violent act to
5 the department and a local law enforcement agency with jurisdiction
6 over the health facility or agency where the violent act occurred
7 if the violent act was committed by an individual with a disability
8 or disease and the violent act was a clear and direct manifestation
9 of the individual's disability or disease.

10 (9) A health facility or agency shall not penalize an employee
11 in any manner for reporting a violent act to the health facility or
12 agency or participating in the criminal prosecution of an
13 individual who commits a violent act.

14 (10) As used in this section, "violent act" means a battery or
15 an assault of an employee of a health facility or agency while the
16 employee is at work.

17 Sec. 20195a. (1) Beginning January 1, 2022, and annually
18 thereafter, the department shall post a report on its website that
19 includes, but is not limited to, all of the following information
20 for the preceding calendar year:

21 (a) The total number of violent acts reported to the
22 department under section 20195 and the name of each health facility
23 or agency that filed a report with the department.

24 (b) If the department conducted an inspection or investigation
25 due to a violent act reported to the department under section
26 20195, the outcome of the inspection or investigation.

27 (c) If a health facility or agency violated section 20195, the
28 name of the health facility or agency and the nature of the
29 violation.

1 (2) The department shall ensure that the report required under
2 this section protects the confidentiality of an employee of a
3 health facility or agency or a patient or resident of a health
4 facility or agency.

5 (3) As used in this section, "violent act" means that term as
6 defined in section 20195.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.