

AB348 – Workplace Violence – Effective July 1, 2020, for hospitals and psychiatric hospitals; Effective July 1, 2021, for an independent center for emergency medical care, a facility for intermediate care, a facility for skilled nursing, a facility for medical detoxification and a community triage center.

AN ACT relating to occupational safety and health; requiring certain medical facilities to develop and carry out a plan for the prevention of workplace violence and report incidents of workplace violence to the Division of Industrial Relations of the Department of Business and Industry; prohibiting such a medical facility from taking certain actions against an employee or other provider of care who seeks the assistance of a public safety agency in response to workplace violence or who reports workplace violence; requiring such a medical facility to maintain certain records; requiring the Division to publish an annual report concerning workplace violence at such medical facilities; revising provisions relating to staffing at certain health care facilities; and providing other matters properly relating thereto.

What is New?

- Establish a committee on workplace safety. Appoint members of:
 - A staffing committee, if a staffing committee is mandated (Pursuant to [NRS449.242](#) or an applicable collective bargaining agreement).
 - All major areas of the facility (other than those represented by the staffing committee, if required).

Regulations to be adopted by the Occupational Safety and Health Administration (OSHA) in consultation with Division of Public and Behavioral Health (DPBH) under [NRS618](#)

- To define the term “unit” for the purposes of the plan.

In addition to the regulations adopted, to define “unit”, OSHA shall develop regulations that:

- Prescribe the minimum requirements for engineering controls, work practice controls and other appropriate measures to prevent and mitigate the risk of workplace violence carried out
- Prescribe the required contents of a record of workplace violence required to be maintained
- Establishment of regulations that define the plan to implement the procedures on assessing and responding to situations that create the potential for workplace violence.

Hospital Checklist – AB348

Once regulations get adopted by OSHA, hospitals will be required to comply with the following:

- Provide for the minimum requirements for engineering controls, work practice controls and other appropriate measures to prevent and mitigate the risk of workplace violence carried out.
- Policies and Procedures that prescribe the required contents of a record of workplace violence required to be maintained.
- A plan that includes procedures to meet the DPBH regulations on assessing and responding to situations that create the potential for workplace violence.

Legislative Mandates:

The Plan

- Develop a plan for the prevention of and response to workplace violence that includes the following:
 - The plan is in writing.
 - The plan is in effect at all times.
 - The plan is available to be viewed by each employee of the facility at all times.
 - The plan is specific to each unit and each location is maintained by the facility.
 - The plan is developed in collaboration with the committee on workplace safety.
 - The plan includes the training requirements.
 - The plan includes procedures to investigate and respond to incidents of workplace violence.
 - The plan includes procedures to correct hazards that increase the risk of workplace violence. (Including using feasible/applicable engineering controls, and work practice controls to eliminate or minimize exposure of employees or other providers of care)
 - The plan includes procedures for obtaining assistance from security guards or public safety agencies when appropriate.
 - The plan includes procedures for responding to incidents involving an active shooter or other threats of mass casualties through the use of plans for evacuation and sheltering that are feasible and appropriate.
 - The plan includes procedures for annually assessing the effectiveness of the plan, in collaboration with the committee of workplace safety.
 - The facility has a process in place to maintain the plan.

Training

- Develop policies and protocols that require all employees of the facility and other providers of care at the facility to receive training concerning the prevention of workplace violence:
 - Upon the adoption of a new plan for the prevention of workplace violence.
 - Upon employment and annually thereafter.
 - Upon commencing new job duties/assignment in a new location of the facility.
 - When an unrecognized hazard is identified or when a material change to the facility requires a change to the plan.
- The training must address/include the risks of workplace violence that an employee/other provider of care may reasonably anticipate encountering on his or her job and instruction to include:

- An explanation of the plan, the manner in which the medical facility plans to address incidents of workplace violence,
- The manner in which an employee may participate in reviewing and revising the plan and any information necessary for employees and other providers of care to perform the duties that may be required of each employee or other provider of care under the plan;
- Situations that may result in workplace violence;
- When and how to respond to and seek assistance in preventing or responding to workplace violence;
- Reporting incidents of workplace violence to the medical facility and public safety agencies when appropriate;
- Resources available to employees and other providers of care in coping with incidents of workplace violence, including, without limitation, debriefing processes established by the medical facility for use after an incident of workplace violence and available programs to assist employees and other providers of care in recovering from incidents of workplace violence;
 - For each employee or other provider of care who has contact with patients, training concerning verbal intervention and de-escalation techniques that:
 - (1) Allows the employee or other provider of care to practice those techniques with other employees and other providers of care with whom he or she works; and
 - (2) Includes a meeting to debrief each practice session
- Collaboration with the committee on workplace safety in developing, reviewing and revising the training provided under the plan and any curricula or materials used in that training.

Procedures

- Implement policies and procedures for responding to and investigating incidents of workplace violence that must include procedures to:
 - Maintain and use alarms or other communications systems to allow employees and other providers of care to seek immediate assistance during an incident of workplace violence;
 - Ensure an effective response to each incident of workplace violence, including, without limitation, by ensuring that members of the staff of the medical facility are trained to address such incidents and designated to be available to immediately assist in the response to such an incident without interrupting patient care;
 - Provide timely medical care or first aid to employees or other providers of care who have been injured in an incident of workplace violence;
 - Identify each employee or other provider of care involved in an incident of workplace violence;
 - Offer counseling to each employee and other provider of care affected by an incident of workplace violence;
 - Offer the opportunity for each employee and other provider of care, including, without limitation, supervisors and security guards, involved in an incident of workplace violence to debrief as soon as possible after the incident at a time and place that is convenient for the employee or other provider of care;
 - Review any patient-specific risk factors and any measures specified to reduce those factors;
 - Review the implementation and effectiveness of corrective measures taken under the plan; and

- Solicit the feedback of each employee or other provider of care involved in an incident of workplace violence concerning the precipitating factors of the incident and any measures that may have assisted in preventing the incident.

Reporting

- Develop processes to encourage employees and other providers of care to report incidents of workplace violence and concerns about workplace violence
- Develop process and procedures to report to the Division of Industrial Relations of the Department of Business and Industry on the following:
 - Any incident that involves the use of physical force against an employee or other provider of care by a patient or a person accompanying a patient
 - Any incident that involves the use of a firearm or other dangerous weapon
 - Any incident that presents a realistic possibility of death or serious physical harm to an employee or other provider of care
- Develop policies and procedures for a medical facility to submit to the Division of Industrial Relations the most current annual summary of workplace injuries and illnesses compiled pursuant to [29 C.F.R. § 1904.32](#)