

# HOUSE BILL NO. 5089

October 08, 2019, Introduced by Reps. Whitsett, Wozniak, Sabo, Eisen and Yancey and referred to the Committee on Health Policy.

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.



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

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

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

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

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

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

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

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

29           (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, 2021, 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, upon





1 request. Except as otherwise prohibited by law, the record shall  
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, 2021, 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.

