

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1309  
OFFERED BY MR. COURTNEY OF CONNECTICUT**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Workplace Violence  
3 Prevention for Health Care and Social Service Workers  
4 Act”.

**5 SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

TITLE I—WORKPLACE VIOLENCE PREVENTION STANDARD

Sec. 101. Workplace violence prevention standard.  
Sec. 102. Scope and application.  
Sec. 103. Requirements for workplace violence prevention standard.  
Sec. 104. Rules of construction.  
Sec. 105. Other definitions.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

Sec. 201. Application of the workplace violence prevention standard to certain facilities receiving Medicare funds.

**7 TITLE I—WORKPLACE VIOLENCE  
8 PREVENTION STANDARD**

**9 SEC. 101. WORKPLACE VIOLENCE PREVENTION STANDARD.**

10 (a) INTERIM FINAL STANDARD.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Secretary of  
3           Labor shall promulgate an interim final standard on  
4           workplace violence prevention—

5                   (A) to require certain employers in the  
6                   health care and social service sectors, and cer-  
7                   tain employers in sectors that conduct activities  
8                   similar to the activities in the health care and  
9                   social service sectors, to develop and implement  
10                  a comprehensive workplace violence prevention  
11                  plan to protect health care workers, social serv-  
12                  ice workers, and other personnel from work-  
13                  place violence; and

14                   (B) that shall, at a minimum, be based on  
15                  the Guidelines for Preventing Workplace Vio-  
16                  lence for Health care and Social Service Work-  
17                  ers published by the Occupational Safety and  
18                  Health Administration of the Department of  
19                  Labor in 2015 and adhere to the requirements  
20                  of this title.

21           (2) APPLICABILITY OF OTHER STATUTORY RE-  
22           QUIREMENTS.—The following shall not apply to the  
23           promulgation of the interim final standard under  
24           this subsection:

1 (A) The requirements applicable to occupa-  
2 tional safety and health standards under section  
3 6(b) of the Occupational Safety and Health Act  
4 of 1970 (29 U.S.C. 655(b)).

5 (B) The requirements of chapters 5 and 6  
6 of title 5, United States Code, and titles 2 and  
7 42, United States Code.

8 (3) EFFECTIVE DATE OF INTERIM STAND-  
9 ARD.—The interim final standard shall—

10 (A) take effect on a date that is not later  
11 than 30 days after promulgation, except that  
12 such interim final standard may include a rea-  
13 sonable phase-in period for the implementation  
14 of required engineering controls that take effect  
15 after such date;

16 (B) be enforced in the same manner and  
17 to the same extent as any standard promul-  
18 gated under section 6(b) of the Occupational  
19 Safety and Health Act of 1970 (29 U.S.C.  
20 655(b)); and

21 (C) be in effect until the final standard de-  
22 scribed in subsection (b) becomes effective and  
23 enforceable.

24 (4) FAILURE TO PROMULGATE.—If an interim  
25 final standard described in paragraph (1) is not pro-

1       mulgated not later than 1 year of the date of enact-  
2       ment of this Act, the provisions of this title shall be  
3       in effect and enforced in the same manner and to  
4       the same extent as any standard promulgated under  
5       section 6(b) of the Occupational Safety and Health  
6       Act (29 U.S.C. 655(b)) until such provisions are su-  
7       perseded in whole by an interim final standard pro-  
8       mulgated by the Secretary that meets the require-  
9       ments of paragraph (1).

10       (b) FINAL STANDARD.—

11           (1) PROPOSED STANDARD.—Not later than 2  
12       years after the date of enactment of this Act, the  
13       Secretary of Labor shall, pursuant to section 6 of  
14       the Occupational Safety and Health Act (29 U.S.C.  
15       655), promulgate a proposed standard on workplace  
16       violence prevention—

17           (A) for the purposes described in sub-  
18       section (a)(1)(A); and

19           (B) that shall include, at a minimum, the  
20       elements contained in the interim final standard  
21       promulgated under subsection (a).

22       (2) FINAL STANDARD.—Not later than 42  
23       months after the date of enactment of this Act, the  
24       Secretary shall promulgate a final standard on such  
25       proposed standard that shall—

1 (A) provide no less protection than any  
2 workplace violence standard adopted by a State  
3 plan that has been approved by the Secretary  
4 under section 18 of the Occupational Safety  
5 and Health Act of 1970 (29 U.S.C. 667); and

6 (B) be effective and enforceable in the  
7 same manner and to the same extent as any  
8 standard promulgated under section 6(b) of the  
9 Occupational Safety and Health Act of 1970  
10 (29 U.S.C. 655(b)).

11 **SEC. 102. SCOPE AND APPLICATION.**

12 In this title:

13 (1) COVERED FACILITY.—The term “covered  
14 facility” includes the following:

15 (A) Any hospital, including any specialty  
16 hospital, in-patient or outpatient setting, or  
17 clinic operating within a hospital license, or any  
18 setting that provides outpatient services.

19 (B) Any residential treatment facility, in-  
20 cluding any nursing home, skilled nursing facil-  
21 ity, hospice facility, and long-term care facility.

22 (C) Any non-residential treatment or serv-  
23 ice setting.

1 (D) Any medical treatment or social serv-  
2 ice setting or clinic at a correctional or deten-  
3 tion facility.

4 (E) Any community care setting, including  
5 a community-based residential facility, group  
6 home, and mental health clinic.

7 (F) Any psychiatric treatment facility.

8 (G) Any drug abuse or substance use dis-  
9 order treatment center.

10 (H) Any independent freestanding emer-  
11 gency centers.

12 (I) Any facility described in subparagraphs  
13 (A) through (H) operated by a Federal Govern-  
14 ment agency and required to comply with occu-  
15 pational safety and health standards pursuant  
16 to section 1960 of title 29, Code of Federal  
17 Regulations (as such section is in effect on the  
18 date of enactment of this Act).

19 (J) Any other facility the Secretary deter-  
20 mines should be covered under the standards  
21 promulgated under section 101.

22 (2) COVERED SERVICES.—The term “covered  
23 service” includes the following services and oper-  
24 ations:

1 (A) Any services and operations provided  
2 in any field work setting, including home health  
3 care, home-based hospice, and home-based so-  
4 cial work.

5 (B) Any emergency services and transport,  
6 including such services provided by firefighters  
7 and emergency responders.

8 (C) Any services described in subpara-  
9 graphs (A) and (B) performed by a Federal  
10 Government agency and required to comply  
11 with occupational safety and health standards  
12 pursuant to section 1960 of title 29, Code of  
13 Federal Regulations (as such section is in effect  
14 on the date of enactment of this Act).

15 (D) Any other services and operations the  
16 Secretary determines should be covered under  
17 the standards promulgated under section 101.

18 (3) COVERED EMPLOYER.—

19 (A) IN GENERAL.—The term “covered em-  
20 ployer” includes a person (including a con-  
21 tractor, subcontractor, a temporary service  
22 firm, or an employee leasing entity) that em-  
23 ploys an individual to work at a covered facility  
24 or to perform covered services.

1 (B) EXCLUSION.—The term “covered em-  
2 ployer” does not include an individual who pri-  
3 vately employs, in the individual’s residence, a  
4 person to perform covered services for the indi-  
5 vidual or a family member of the individual.

6 (4) COVERED EMPLOYEE.—The term “covered  
7 employee” includes an individual employed by a cov-  
8 ered employer to work at a covered facility or to per-  
9 form covered services.

10 **SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE**  
11 **PREVENTION STANDARD.**

12 Each standard described in section 101 shall include,  
13 at a minimum, the following requirements:

14 (1) WORKPLACE VIOLENCE PREVENTION  
15 PLAN.—Not later than 6 months after the date of  
16 promulgation of the interim final standard under  
17 section 101(a), a covered employer shall develop, im-  
18 plement, and maintain an effective written workplace  
19 violence prevention plan for covered employees at  
20 each covered facility and for covered employees per-  
21 forming a covered service on behalf of such em-  
22 ployer, which meets the following:

23 (A) PLAN DEVELOPMENT.—Each Plan  
24 shall—



1 (i) be developed and implemented with  
2 the meaningful participation of direct care  
3 employees, other employees, and employee  
4 representatives, for all aspects of the Plan;

5 (ii) be tailored and specific to condi-  
6 tions and hazards for the covered facility  
7 or the covered service, including patient-  
8 specific risk factors and risk factors spe-  
9 cific to each work area or unit; and

10 (iii) be suitable for the size, com-  
11 plexity, and type of operations at the cov-  
12 ered facility or for the covered service, and  
13 remain in effect at all times.

14 (B) PLAN CONTENT.—Each Plan shall in-  
15 clude procedures and methods for the following:

16 (i) Identification of the individual re-  
17 sponsible for implementation of the Plan.

18 (ii) With respect to each work area  
19 and unit at the covered facility or while  
20 covered employees are performing the cov-  
21 ered service, risk assessment and identi-  
22 fication of workplace violence risks and  
23 hazards to employees exposed to such risks  
24 and hazards (including environmental risk

1 factors and patient-specific risk factors),  
2 which shall be—

3 (I) informed by past violent inci-  
4 dents specific to such covered facility  
5 or such covered service; and

6 (II) conducted with, at a min-  
7 imum—

8 (aa) direct care employees;

9 (bb) where applicable, the  
10 representatives of such employ-  
11 ees; and

12 (cc) the employer.

13 (iii) Hazard prevention, engineering  
14 controls, or work practice controls to cor-  
15 rect hazards, in a timely manner, applying  
16 industrial hygiene principles of the hier-  
17 archy of controls, which—

18 (I) may include security and  
19 alarm systems, adequate exit routes,  
20 monitoring systems, barrier protec-  
21 tion, established areas for patients  
22 and clients, lighting, entry procedures,  
23 staffing and working in teams, and  
24 systems to identify and flag clients  
25 with a history of violence; and

1 (II) shall ensure that employers  
2 correct, in a timely manner, hazards  
3 identified in any violent incident in-  
4 vestigation described in paragraph (2)  
5 and any annual report described in  
6 paragraph (5).

7 (iv) Reporting, incident response, and  
8 post-incident investigation procedures, in-  
9 cluding procedures—

10 (I) for employees to report work-  
11 place violence risks, hazards, and inci-  
12 dents;

13 (II) for employers to respond to  
14 reports of workplace violence;

15 (III) for employers to perform a  
16 post-incident investigation and de-  
17 briefing of all reports of workplace vi-  
18 olence with the participation of em-  
19 ployees and their representatives; and

20 (IV) to provide medical care or  
21 first aid to affected employees.

22 (v) Procedures for emergency re-  
23 sponse, including procedures for threats of  
24 mass casualties and procedures for inci-

1 dents involving a firearm or a dangerous  
2 weapon.

3 (vi) Procedures for communicating  
4 with and training the covered employees on  
5 workplace violence hazards, threats, and  
6 work practice controls, the employer's plan,  
7 and procedures for confronting, responding  
8 to, and reporting workplace violence  
9 threats, incidents, and concerns, and em-  
10 ployee rights.

11 (vii) Procedures for—

12 (I) ensuring the coordination of  
13 risk assessment efforts, Plan develop-  
14 ment, and implementation of the Plan  
15 with other employers who have em-  
16 ployees who work at the covered facil-  
17 ity or who are performing the covered  
18 service; and

19 (II) determining which covered  
20 employer or covered employers shall  
21 be responsible for implementing and  
22 complying with the provisions of the  
23 standard applicable to the working  
24 conditions over which such employers  
25 have control.

1 (viii) Procedures for conducting the  
2 annual evaluation under paragraph (6).

3 (C) AVAILABILITY OF PLAN.—Each Plan  
4 shall be made available at all times to the cov-  
5 ered employees who are covered under such  
6 Plan.

7 (2) VIOLENT INCIDENT INVESTIGATION.—

8 (A) IN GENERAL.—As soon as practicable  
9 after a workplace violence incident, risk, or haz-  
10 ard of which a covered employer has knowledge,  
11 the employer shall conduct an investigation of  
12 such incident, risk, or hazard under which the  
13 employer shall—

14 (i) review the circumstances of the in-  
15 cident, risk, or hazard, and whether any  
16 controls or measures implemented pursu-  
17 ant to the Plan of the employer were effec-  
18 tive; and

19 (ii) solicit input from involved employ-  
20 ees, their representatives, and supervisors  
21 about the cause of the incident, risk, or  
22 hazard, and whether further corrective  
23 measures (including system-level factors)  
24 could have prevented the incident, risk, or  
25 hazard.

1 (B) DOCUMENTATION.—A covered em-  
2 ployer shall document the findings, rec-  
3 ommendations, and corrective measures taken  
4 for each investigation conducted under this  
5 paragraph.

6 (3) TRAINING AND EDUCATION.—With respect  
7 to the covered employees covered under a Plan of a  
8 covered employer, the employer shall provide train-  
9 ing and education to such employees who may be ex-  
10 posed to workplace violence hazards and risks, which  
11 meet the following requirements:

12 (A) Annual training and education shall  
13 include information on the Plan, including iden-  
14 tified workplace violence hazards, work practice  
15 control measures, reporting procedures, record  
16 keeping requirements, response procedures, and  
17 employee rights.

18 (B) Additional hazard recognition training  
19 shall be provided for supervisors and managers  
20 to ensure they—

21 (i) can recognize high-risk situations;

22 and

23 (ii) do not assign employees to situa-  
24 tions that predictably compromise the safe-  
25 ty of such employees.

1 (C) Additional training shall be provided  
2 for each such covered employee whose job cir-  
3 cumstances have changed, within a reasonable  
4 timeframe after such change.

5 (D) Applicable training shall be provided  
6 under this paragraph for each new covered em-  
7 ployee prior to the employee's job assignment.

8 (E) All training shall provide such employ-  
9 ees opportunities to ask questions, give feed-  
10 back on training, and request additional in-  
11 struction, clarification, or other followup.

12 (F) All training shall be provided in-person  
13 and by an individual with knowledge of work-  
14 place violence prevention and of the Plan, ex-  
15 cept that any annual training described in sub-  
16 paragraph (A) provided to an employee after  
17 the first year such training is provided to such  
18 employee may be conducted by live video if in-  
19 person training is impracticable.

20 (G) All training shall be appropriate in  
21 content and vocabulary to the language, edu-  
22 cational level, and literacy of such covered em-  
23 ployees.

24 (4) RECORDKEEPING AND ACCESS TO PLAN  
25 RECORDS.—

1 (A) IN GENERAL.—Each covered employer  
2 shall—

3 (i) maintain for not less than 5  
4 years—

5 (I) records related to each Plan  
6 of the employer, including workplace  
7 violence risk and hazard assessments,  
8 and identification, evaluation, correc-  
9 tion, and training procedures;

10 (II) a violent incident log de-  
11 scribed in subparagraph (B) for re-  
12 cording all workplace violence inci-  
13 dents; and

14 (III) records of all incident inves-  
15 tigation as required under paragraph  
16 (2)(B); and

17 (ii)(I) make such records and logs  
18 available, upon request, to covered employ-  
19 ees and their representatives for examina-  
20 tion and copying in accordance with sec-  
21 tion 1910.1020 of title 29, Code of Federal  
22 Regulations (as such section is in effect on  
23 the date of enactment of this Act), and in  
24 a manner consistent with HIPAA privacy  
25 regulations (defined in section 1180(b)(3))



1 of the Social Security Act (42 U.S.C.  
2 1320d–9(b)(3))) and part 2 of title 42,  
3 Code of Federal Regulations (as such part  
4 is in effect on the date of enactment of this  
5 Act); and

6 (II) ensure that any such records and  
7 logs that may be copied, transmitted elec-  
8 tronically, or otherwise removed from the  
9 employer’s control for purposes of this  
10 clause omit any element of personal identi-  
11 fying information sufficient to allow identi-  
12 fication of any patient, resident, client, or  
13 other individual alleged to have committed  
14 a violent incident (including the individ-  
15 ual’s name, address, electronic mail ad-  
16 dress, telephone number, or social security  
17 number, or other information that, alone  
18 or in combination with other publicly avail-  
19 able information, reveals such individual’s  
20 identity).

21 (B) VIOLENT INCIDENT LOG DESCRIP-  
22 TION.—Each violent incident log shall—

23 (i) be maintained by a covered em-  
24 ployer for each covered facility controlled  
25 by the employer and for each covered serv-

1 ice being performed by a covered employee  
2 on behalf of such employer;

3 (ii) be based on a template developed  
4 by the Secretary not later than 1 year  
5 after the date of enactment of this Act;

6 (iii) include, at a minimum, a descrip-  
7 tion of—

8 (I) the violent incident (including  
9 environmental risk factors present at  
10 the time of the incident);

11 (II) the date, time, and location  
12 of the incident, and the names and  
13 job titles of involved employees;

14 (III) the nature and extent of in-  
15 juries to covered employees;

16 (IV) a classification of the pepe-  
17 trator who committed the violence, in-  
18 cluding whether the perpetrator was—

19 (aa) a patient, client, resi-  
20 dent, or customer of a covered  
21 employer;

22 (bb) a family or friend of a  
23 patient, client, resident, or cus-  
24 tomer of a covered employer;

25 (cc) a stranger;

1 (dd) a coworker, supervisor,  
2 or manager of a covered em-  
3 ployee;

4 (ee) a partner, spouse, par-  
5 ent, or relative of a covered em-  
6 ployee; or

7 (ff) any other appropriate  
8 classification;

9 (V) the type of violent incident  
10 (such as type 1 violence, type 2 vio-  
11 lence, type 3 violence, or type 4 vio-  
12 lence); and

13 (VI) how the incident was  
14 abated;

15 (iv) not later than 7 days after the  
16 employer learns of such incident, contain a  
17 record of each violent incident, which is  
18 updated to ensure completeness of such  
19 record;

20 (v) be maintained for not less than 5  
21 years; and

22 (vi) in the case of a violent incident  
23 involving a privacy concern case, protect  
24 the identity of employees in a manner con-  
25 sistent with section 1904.29(b) of title 29,

1 Code of Federal Regulations (as such sec-  
2 tion is in effect on the date of enactment  
3 of this Act).

4 (C) ANNUAL SUMMARY.—

5 (i) COVERED EMPLOYERS.—Each cov-  
6 ered employer shall prepare an annual  
7 summary of each violent incident log for  
8 the preceding calendar year that shall—

9 (I) with respect to each covered  
10 facility, and each covered service, for  
11 which such a log has been maintained,  
12 include the total number of violent in-  
13 cidents, the number of recordable in-  
14 juries related to such incidents, and  
15 the total number of hours worked by  
16 the covered employees for such pre-  
17 ceding year;

18 (II) be completed on a form pro-  
19 vided by the Secretary;

20 (III) be posted for three months  
21 beginning February 1 of each year in  
22 a manner consistent with the require-  
23 ments of section 1904 of title 29,  
24 Code of Federal Regulations (as such  
25 section is in effect on the date of en-

1 actment of this Act), relating to the  
2 posting of summaries of injury and ill-  
3 ness logs;

4 (IV) be located in a conspicuous  
5 place or places where notices to em-  
6 ployees are customarily posted; and

7 (V) not be altered, defaced, or  
8 covered by other material.

9 (ii) SECRETARY.—Not later than 1  
10 year after the promulgation of the interim  
11 final standard under section 101(a), the  
12 Secretary shall make available a platform  
13 for the electronic submission of annual  
14 summaries required under this paragraph.

15 (5) ANNUAL REPORT.—Not later than Feb-  
16 ruary 15 of each year, each covered employer shall  
17 report to the Secretary, the frequency, quantity, and  
18 severity of workplace violence, and any incident re-  
19 sponse and post-incident investigation (including  
20 abatement measures for the incidents) set forth in  
21 the annual summary of the violent incident log de-  
22 scribed in paragraph (4)(C).

23 (6) ANNUAL EVALUATION.—Each covered em-  
24 ployer shall conduct an annual written evaluation,

1 conducted with the full, active participation of cov-  
2 ered employees and employee representatives, of—

3 (A) the implementation and effectiveness  
4 of the Plan, including a review of the violent in-  
5 cident log; and

6 (B) compliance with training required by  
7 each standard described in section 101, and  
8 specified in the Plan.

9 (7) ANTI-RETALIATION.—

10 (A) POLICY.—Each covered employer shall  
11 adopt a policy prohibiting any person (including  
12 an agent of the employer) from discriminating  
13 or retaliating against any employee for report-  
14 ing, or seeking assistance or intervention from,  
15 a workplace violence incident, threat, or concern  
16 to the employer, law enforcement, local emer-  
17 gency services, or a government agency, or par-  
18 ticipating in an incident investigation.

19 (B) PROHIBITION.—No covered employer  
20 shall discriminate or retaliate against any em-  
21 ployee for—

22 (i) reporting a workplace violence inci-  
23 dent, threat, or concern to, or seeking as-  
24 sistance or intervention with respect to  
25 such incident, threat, or concern from, the

1 employer, law enforcement, local emer-  
2 gency services, or a local, State, or Federal  
3 government agency; or

4 (ii) exercising any other rights under  
5 this paragraph.

6 (C) ENFORCEMENT.—This paragraph shall  
7 be enforced in the same manner and to the  
8 same extent as any standard promulgated  
9 under section 6(b) of the Occupational Safety  
10 and Health Act (29 U.S.C. 655(b)).

11 **SEC. 104. RULES OF CONSTRUCTION.**

12 Notwithstanding section 18 of the Occupational Safe-  
13 ty and Health Act of 1970 (29 U.S.C. 667)—

14 (1) nothing in this title shall be construed to  
15 curtail or limit authority of the Secretary under any  
16 other provision of the law; and

17 (2) the rights, privileges, or remedies of covered  
18 employees shall be in addition to the rights, privi-  
19 leges, or remedies provided under any Federal or  
20 State law, or any collective bargaining agreement.

21 **SEC. 105. OTHER DEFINITIONS.**

22 In this title:

23 (1) WORKPLACE VIOLENCE.—

24 (A) IN GENERAL.—The term “workplace  
25 violence” means any act of violence or threat of

1 violence, without regard to intent, that occurs  
2 at a covered facility or while a covered employee  
3 performs a covered service.

4 (B) EXCLUSIONS.—The term “workplace  
5 violence” does not include lawful acts of self-de-  
6 fense or lawful acts of defense of others.

7 (C) INCLUSIONS.—The term “workplace  
8 violence” includes—

9 (i) the threat or use of physical force  
10 against a covered employee that results in  
11 or has a high likelihood of resulting in in-  
12 jury, psychological trauma, or stress, with-  
13 out regard to whether the covered em-  
14 ployee sustains an injury, psychological  
15 trauma, or stress; and

16 (ii) an incident involving the threat or  
17 use of a firearm or a dangerous weapon,  
18 including the use of common objects as  
19 weapons, without regard to whether the  
20 employee sustains an injury, psychological  
21 trauma, or stress.

22 (2) TYPE 1 VIOLENCE.—The term “type 1 vio-  
23 lence”—

24 (A) means workplace violence directed at a  
25 covered employee at a covered facility or while



1 performing a covered service by an individual  
2 who has no legitimate business at the covered  
3 facility or with respect to such covered service;  
4 and

5 (B) includes violent acts by any individual  
6 who enters the covered facility or worksite  
7 where a covered service is being performed with  
8 the intent to commit a crime.

9 (3) TYPE 2 VIOLENCE.—The term “type 2 vio-  
10 lence” means workplace violence directed at a cov-  
11 ered employee by customers, clients, patients, stu-  
12 dents, inmates, or any individual for whom a covered  
13 facility provides services or for whom the employee  
14 performs covered services.

15 (4) TYPE 3 VIOLENCE.—The term “type 3 vio-  
16 lence” means workplace violence directed at a cov-  
17 ered employee by a present or former employee, su-  
18 pervisor, or manager.

19 (5) TYPE 4 VIOLENCE.—The term “type 4 vio-  
20 lence” means workplace violence directed at a cov-  
21 ered employee by an individual who is not an em-  
22 ployee, but has or is known to have had a personal  
23 relationship with such employee, or with a customer,  
24 client, patient, student, inmate, or any individual for

1       whom a covered facility provides services or for  
2       whom the employee performs covered services.

3           (6) THREAT OF VIOLENCE.—The term “threat  
4       of violence” means a statement or conduct that—

5           (A) causes an individual to fear for such  
6       individual’s safety because there is a reasonable  
7       possibility the individual might be physically in-  
8       jured; and

9           (B) serves no legitimate purpose.

10          (7) ALARM.—The term “alarm” means a me-  
11       chanical, electrical, or electronic device that does not  
12       rely upon an employee’s vocalization in order to alert  
13       others.

14          (8) DANGEROUS WEAPON.—The term “dan-  
15       gerous weapon” means an instrument capable of in-  
16       flicting death or serious bodily injury, without re-  
17       gard to whether such instrument was designed for  
18       that purpose.

19          (9) ENGINEERING CONTROLS.—

20           (A) IN GENERAL.—The term “engineering  
21       controls” means an aspect of the built space or  
22       a device that removes a hazard from the work-  
23       place or creates a barrier between a covered  
24       employee and the hazard.

1 (B) INCLUSIONS.—For purposes of reduc-  
2 ing workplace violence hazards, the term “engi-  
3 neering controls” includes electronic access con-  
4 trols to employee occupied areas, weapon detec-  
5 tors (installed or handheld), enclosed work-  
6 stations with shatter-resistant glass, deep serv-  
7 ice counters, separate rooms or areas for high-  
8 risk patients, locks on doors, removing access to  
9 or securing items that could be used as weap-  
10 ons, furniture affixed to the floor, opaque glass  
11 in patient rooms (which protects privacy, but  
12 allows the health care provider to see where the  
13 patient is before entering the room), closed-cir-  
14 cuit television monitoring and video recording,  
15 sight-aids, and personal alarm devices.

16 (10) ENVIRONMENTAL RISK FACTORS.—

17 (A) IN GENERAL.—The term “environ-  
18 mental risk factors” means factors in the cov-  
19 ered facility or area in which a covered service  
20 is performed that may contribute to the likeli-  
21 hood or severity of a workplace violence inci-  
22 dent.

23 (B) CLARIFICATION.—Environmental risk  
24 factors may be associated with the specific task  
25 being performed or the work area, such as

1 working in an isolated area, poor illumination  
2 or blocked visibility, and lack of physical bar-  
3 riers between individuals and persons at risk of  
4 committing workplace violence.

5 (11) PATIENT-SPECIFIC RISK FACTORS.—The  
6 term “patient-specific risk factors” means factors  
7 specific to a patient that may increase the likelihood  
8 or severity of a workplace violence incident, includ-  
9 ing—

10 (A) a patient’s treatment and medication  
11 status, and history of violence and use of drugs  
12 or alcohol; and

13 (B) any conditions or disease processes of  
14 the patient that may cause the patient to expe-  
15 rience confusion or disorientation, be non-re-  
16 sponsive to instruction, behave unpredictably, or  
17 engage in disruptive, threatening, or violent be-  
18 havior.

19 (12) SECRETARY.—The term “Secretary”  
20 means the Secretary of Labor.

21 (13) WORK PRACTICE CONTROLS.—

22 (A) IN GENERAL.—The term “work prac-  
23 tice controls” means procedures and rules that  
24 are used to effectively reduce workplace violence  
25 hazards.

1 (B) INCLUSIONS.—The term “work prac-  
2 tice controls” includes—

3 (i) assigning and placing sufficient  
4 numbers of staff to reduce patient-specific  
5 Type 2 workplace violence hazards;

6 (ii) provision of dedicated and avail-  
7 able safety personnel such as security  
8 guards;

9 (iii) employee training on workplace  
10 violence prevention methods and tech-  
11 niques to de-escalate and minimize violent  
12 behavior; and

13 (iv) employee training on procedures  
14 for response in the event of a workplace vi-  
15 olence incident and for post-incident re-  
16 sponse.

17 **TITLE II—AMENDMENTS TO THE**  
18 **SOCIAL SECURITY ACT**

19 **SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE**  
20 **PREVENTION STANDARD TO CERTAIN FACILI-**  
21 **TIES RECEIVING MEDICARE FUNDS.**

22 (a) IN GENERAL.—Section 1866 of the Social Secu-  
23 rity Act (42 U.S.C. 1395cc) is amended—

24 (1) in subsection (a)(1)—

1 (A) in subparagraph (X), by striking  
2 “and” at the end;

3 (B) in subparagraph (Y), by striking at  
4 the end the period and inserting “; and”; and

5 (C) by inserting after subparagraph (Y)  
6 the following new subparagraph:

7 “(Z) in the case of hospitals that are not other-  
8 wise subject to the Occupational Safety and Health  
9 Act of 1970 (or a State occupational safety and  
10 health plan that is approved under 18(b) of such  
11 Act) and skilled nursing facilities that are not other-  
12 wise subject to such Act (or such a State occupa-  
13 tional safety and health plan), to comply with the  
14 Workplace Violence Prevention Standard (as pro-  
15 mulgated under section 101 of the Workplace Vio-  
16 lence Prevention for Health Care and Social Service  
17 Workers Act).”; and

18 (2) in subsection (b)(4)—

19 (A) in subparagraph (A), by inserting  
20 “and a hospital or skilled nursing facility that  
21 fails to comply with the requirement of sub-  
22 section (a)(1)(Z) (relating to the Workplace Vi-  
23 olence Prevention Standard)” after “Blood-  
24 borne Pathogens Standard”); and

25 (B) in subparagraph (B)—

1 (i) by striking “(a)(1)(U)” and insert-  
2 ing “(a)(1)(V)”;

3 (ii) by inserting “(or, in the case of a  
4 failure to comply with the requirement of  
5 subsection (a)(1)(Z), for a violation of the  
6 Workplace Violence Prevention standard  
7 referred to in such subsection by a hospital  
8 or skilled nursing facility, as applicable,  
9 that is subject to the provisions of such  
10 Act)” before the period at the end.

11 (b) **EFFECTIVE DATE.**—The amendments made by  
12 subsection (a) shall apply beginning on the date that is  
13 1 year after the date of issuance of the interim final stand-  
14 ard on workplace violence prevention required under sec-  
15 tion 101.

