

AMENDED IN ASSEMBLY APRIL 2, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2975

Introduced by Assembly Member Gipson

February 16, 2024

An act to amend Section 6401.8 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2975, as amended, Gipson. Occupational safety and health standards: workplace violence prevention plan.

Existing law, the California Occupational Safety and Health Act of 1973, imposes safety responsibilities on employers and employees, including the requirement that an employer establish, implement, and maintain an effective injury prevention program, and makes specified violations of these provisions a crime. Existing law also requires the Occupational Safety and Health Standards Board to adopt standards developed by the Division of Occupational Safety and Health that require specified types of hospitals to adopt a workplace violence prevention plan as part of the hospital's injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior.

This bill would require the standards board, by March 1, 2025, to amend the standards to include a requirement that a hospital maintain metal detectors at specific entrances of a hospital, a requirement that a hospital assign appropriate security personnel who meet training standards, a requirement that the hospital have reasonable protocols for

alternative search and screening for patients, family, or visitors who refuse to undergo metal detector screening, and a requirement that a hospital adopt reasonable protocols for storage of patient, family, or visitor property that might be used as a weapon.

This bill would require that the standards include a requirement that a hospital post, within reasonable proximity of any metal detectors maintained at public entrances, a notice adopted by the standards board, notifying the public that the hospital conducts screenings for weapons upon entry but that no person shall be refused medical care for failure to undergo screening by a metal detector.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6401.8 of the Labor Code is amended to
- 2 read:
- 3 6401.8. (a) The standards board, no later than July 1, 2016,
- 4 shall adopt standards developed by the division that require a
- 5 hospital licensed pursuant to subdivision (a), (b), or (f) of Section
- 6 1250 of the Health and Safety Code, except as exempted by
- 7 subdivision ~~(d)~~; (e), to adopt a workplace violence prevention plan
- 8 as a part of its injury and illness prevention plan to protect health
- 9 care workers and other facility personnel from aggressive and
- 10 violent behavior.
- 11 (b) The standards adopted pursuant to subdivision (a) shall
- 12 include all of the following:
- 13 (1) A requirement that the workplace violence prevention plan
- 14 be in effect at all times in all patient care units, including inpatient
- 15 and outpatient settings and clinics on the hospital's license.
- 16 (2) A definition of workplace violence that includes, but is not
- 17 limited to, both of the following:

1 (A) The use of physical force against a hospital employee by a
2 patient or a person accompanying a patient that results in, or has
3 a high likelihood of resulting in, injury, psychological trauma, or
4 stress, regardless of whether the employee sustains an injury.

5 (B) An incident involving the use of a firearm or other dangerous
6 weapon, regardless of whether the employee sustains an injury.

7 (3) A requirement that a workplace violence prevention plan
8 include, but not be limited to, all of the following:

9 (A) Personnel education and training policies that require all
10 health care workers who provide direct care to patients to, at least
11 annually, receive education and training that is designed to provide
12 an opportunity for interactive questions and answers with a person
13 knowledgeable about the workplace violence prevention plan. The
14 education and training shall cover topics that include, but are not
15 limited to, the following topics:

16 (i) How to recognize potential for violence, and when and how
17 to seek assistance to prevent or respond to violence.

18 (ii) How to report violent incidents to law enforcement.

19 (iii) Any resources available to employees for coping with
20 incidents of violence, including, but not limited to, critical incident
21 stress debriefing or employee assistance programs.

22 (B) A system for responding to, and investigating violent
23 incidents and situations involving violence or the risk of violence.

24 (C) A system to, at least annually, assess and improve upon
25 factors that may contribute to, or help prevent workplace violence,
26 including, but not limited to, the following factors:

27 (i) Staffing, including staffing patterns and patient classification
28 systems that contribute to, or are insufficient to address, the risk
29 of violence.

30 (ii) Sufficiency of security systems, including alarms, emergency
31 response, and security personnel availability.

32 (iii) Job design, equipment, and facilities.

33 (iv) Security risks associated with specific units, areas of the
34 facility with uncontrolled access, late-night or early morning shifts,
35 and employee security in areas surrounding the facility such as
36 employee parking areas.

37 (4) A requirement that all workplace violence prevention plans
38 be developed in conjunction with affected employees, including
39 their recognized collective bargaining agents, if any.

1 (5) A requirement that all temporary personnel be oriented to
2 the workplace violence prevention plan.

3 (6) Provisions prohibiting hospitals from disallowing an
4 employee from, or taking punitive or retaliatory action against an
5 employee for, seeking assistance and intervention from local
6 emergency services or law enforcement when a violent incident
7 occurs.

8 (7) A requirement that hospitals document, and retain for a
9 period of five years, a written record of any violent incident against
10 a hospital employee, regardless of whether the employee sustains
11 an injury, and regardless of whether the report is made by the
12 employee who is the subject of the violent incident or any other
13 employee.

14 (8) A requirement that a hospital report violent incidents to the
15 division. If the incident results in injury, involves the use of a
16 firearm or other dangerous weapon, or presents an urgent or
17 emergent threat to the welfare, health, or safety of hospital
18 personnel, the hospital shall report the incident to the division
19 within 24 hours. All other incidents of violence shall be reported
20 to the division within 72 hours.

21 (c) The standards board shall, by March 1, 2025, amend the
22 standards adopted pursuant to subdivision (a) to include all of the
23 following:

24 (1) (A) A requirement that a hospital maintain metal detectors
25 at the hospital's main public entrance, at the entrance to the
26 hospital's emergency department, and at the hospital's labor and
27 delivery entrance if separately accessible to the public.

28 (B) The requirement described in this paragraph shall not apply
29 to the ambulance entrance.

30 (2) (A) A requirement that a hospital assign appropriate security
31 personnel who meet training standards to be developed by the
32 department to monitor metal detectors at each public entrance at
33 all times the entrance is open to the public.

34 (B) No one other than a security officer who meets the training
35 requirements in subparagraph (A) shall search personal belongings
36 at any hospital entrance or confiscate weapons.

37 (3) A requirement that a hospital adopt reasonable protocols for
38 storage of any patient, family, or visitor property that might be
39 used as a weapon and reasonable protocols for alternative search

1 and screening for patients, family, or visitors who refuse to undergo
2 metal detector screening.

3 (4) A requirement that a hospital post, within reasonable
4 proximity of any metal detectors maintained at public entrances,
5 a notice adopted by the standards board advising the public that
6 the hospital conducts screenings for weapons upon entry but that
7 no person shall be refused medical care for failure to undergo
8 screening by a metal detector and that the hospital has protocols
9 in place for dealing with weapons when found during screening.

10 (d) By January 1, 2017, and annually thereafter, the division,
11 in a manner that protects patient and employee confidentiality,
12 shall post a report on its internet website containing information
13 regarding violent incidents at hospitals, that includes, but is not
14 limited to, the total number of reports, and which specific hospitals
15 filed reports, pursuant to paragraph (8) of subdivision (b), the
16 outcome of any related inspection or investigation, the citations
17 levied against a hospital based on a violent incident, and
18 recommendations of the division on the prevention of violent
19 incidents at hospitals.

20 (e) This section shall not apply to a hospital operated by the
21 State Department of State Hospitals, the State Department of
22 Developmental Services, or the Department of Corrections and
23 Rehabilitation.

24 (f) This section does not limit the authority of the standards
25 board to adopt standards to protect employees from workplace
26 violence. Nothing in this section shall be interpreted to preclude
27 the standards board from adopting standards that require other
28 employers, including, but not limited to, employers exempted from
29 this section by subdivision ~~(d)~~; (e), to adopt plans to protect
30 employees from workplace violence. Nothing in this section shall
31 be interpreted to preclude the standards board from adopting
32 standards that require an employer subject to this section, or any
33 other employer, to adopt a workplace violence prevention plan
34 that includes elements or requirements additional to, or broader in
35 scope than, those described in this section.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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