

BILL ANALYSIS

C.S.H.B. 2696
By: Howard
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Violence is a common workplace hazard for nurses, posing a threat to both caregivers and patients and complicating the delivery of treatment. Recent surveys of nurses show that most nurses have experienced physical violence in the workplace and that almost all nurses have experienced verbal abuse in the workplace. A notable recent example of workplace violence in Texas involved a stabbing attack at a medical facility that resulted in the death of a nurse and several people being injured. C.S.H.B. 2696 seeks to address the problem of workplace violence in certain health care facilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2696 amends the Health and Safety Code to require the nursing resource section within the health professions resource center established by the statewide health coordinating council, to the extent funding is available, to conduct a study on workplace violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. The bill requires the nursing resource section, in conducting the study, to distinguish between verbal and physical violence; determine the practice areas, environments, and settings in which verbal or physical violence is likely to occur; identify practices that prevent or reduce verbal and physical violence against nurses; survey nurses regarding the type and frequency of verbal and physical violence the nurses have experienced in the preceding year and throughout the nurses' careers; and survey hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies regarding the occurrence of verbal and physical violence against nurses and specific strategies implemented to prevent verbal and physical violence.

C.S.H.B. 2696 authorizes the nursing resource section to contract with an independent researcher to conduct all or part of the study and requires the nursing advisory committee formed by the coordinating council to serve as the oversight committee for the study. The bill requires the nursing resource section, to the extent possible, to cooperate with the Department of State Health Services (DSHS) and the Texas Board of Nursing to conduct the study and to coordinate the surveys required by the bill with surveys required by other provisions of law. The bill requires the nursing resource section, not later than December 1, 2016, to complete the study and publish its findings. The bill authorizes the nursing resource section to use money transferred to DSHS from the board to conduct the surveys required by the bill. The bill's provisions relating to the

study expire December 31, 2017.

C.S.H.B. 2696 requires the nursing resource section, to the extent funding is available, to administer a grant program to fund innovative approaches to reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. The bill requires the nursing resource section to require a grant recipient to submit periodic reports describing the outcome of the activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses. The bill requires the nursing advisory committee to serve in an advisory capacity for the grant program and requires DSHS to provide administrative assistance to the section in administering the grant program. The bill authorizes the nursing resource section to use money transferred to DSHS from the board to fund the grants and requires the section, at least annually, to publish a report describing the grants awarded, including the amount of the grant, purpose of the grant, and reported outcome of the approach adopted by the grant recipient.

C.S.H.B. 2696 requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the bill's effective date, to adopt rules necessary to implement the bill's provisions governing the study on workplace violence and the workplace violence prevention grant program, including rules governing the submission and approval of grant requests and establishing a reporting procedure for grant recipients.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2696 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Chapter 1001, Health and Safety Code, is amended by adding Subchapter J to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 105.001, Health and Safety Code, is amended by adding Subdivisions (3), (4), (5), and (6) to read as follows:

(3) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254.

(4) "Home health agency" means a home and community support services agency licensed under Chapter 142.

(5) "Hospital" means a general or special hospital licensed under Chapter 241, a private mental hospital licensed under Chapter 577, or a hospital that is maintained or operated by this state or an agency of this state.

(6) "Nursing facility" means an institution licensed under Chapter 242.

SECTION 2. Chapter 105, Health and Safety Code, is amended by adding Sections 105.009 and 105.010 to read as

SUBCHAPTER J. WORKPLACE VIOLENCE PREVENTION GRANTS FOR CERTAIN HEALTH FACILITIES

Sec. 1001.301. WORKPLACE VIOLENCE PREVENTION GRANTS IN HEALTH FACILITIES. (a) The department shall administer a grant program to fund de-escalation and crisis intervention training in health facilities licensed by the department to prevent and reduce instances of workplace violence.

No equivalent provision.

No equivalent provision.

(b) To receive a grant, a licensed health facility must demonstrate an elevated risk of workplace violence to facility staff and volunteers and include in the grant application any instance of workplace violence that occurred at the facility in the preceding two years.

(c) Not later than the second anniversary of the date a facility receives a grant under this section, the facility shall compile a report describing the effects of the de-escalation and crisis intervention training in the facility, including any change in the number of instances of workplace violence in the facility.

(d) Not later than December 31 of each even-numbered year, the department shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report on the grants awarded under this section, including the amount of each grant and the rate of success in reducing instances of workplace violence in the health facilities or in maintaining low rates of workplace violence in the health facilities.

(e) The executive commissioner shall adopt rules to implement the grant program.

follows:

Sec. 105.010. WORKPLACE VIOLENCE PREVENTION GRANT PROGRAM. (a) To the extent funding is available, the nursing resource section established under Section 105.002 shall administer a grant program to fund innovative approaches to reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies.

(c) The nursing advisory committee established by Section 104.0155 shall serve in an advisory capacity for the grant program.

(d) The department shall provide administrative assistance to the nursing resource section in administering the grant program under this section.

No equivalent provision.

(b) The nursing resource section shall require a grant recipient to submit periodic reports describing the outcome of the activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses.

(g) At least annually, the nursing resource section shall publish a report describing the grants awarded under this section, including the amount of the grant, the purpose of the grant, and the reported outcome of the approach adopted by the grant recipient.

(e) The executive commissioner shall adopt rules to implement the grant program.

including rules governing the submission and approval of grant requests and establishing a reporting procedure for a grant recipient.

No equivalent provision.

SECTION 2.

(a) The Department of State Health Services shall conduct a study on workplace violence in health facilities licensed by the department. The study must:

- (1) determine the facilities with the highest incidence of workplace violence;
- (2) determine the staff and volunteers in those facilities that are most at risk for workplace violence; and
- (3) include recommendations on best practices to address workplace violence to prevent its occurrence.

No equivalent provision.

No equivalent provision.

including rules governing the submission and approval of grant requests and establishing a reporting procedure for grant recipients.

(f) The nursing resource section may use money transferred to the department from the Texas Board of Nursing under Section 301.155, Occupations Code, to fund the grants authorized by this section.

Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES. (a) To the extent funding is available, the nursing resource section established under Section 105.002 shall conduct a study on workplace violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. The nursing resource section, in conducting the study, shall:

- (1) distinguish between verbal and physical violence;
- (2) determine the practice areas, environments, and settings in which verbal or physical violence is likely to occur;
- (3) identify practices that prevent or reduce verbal and physical violence against nurses;
- (4) survey nurses regarding the type and frequency of verbal and physical violence the nurses have experienced in the preceding year and throughout the nurses' careers; and
- (5) survey hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies regarding the occurrence of verbal and physical violence against nurses and specific strategies implemented to prevent verbal and physical violence, including:
 - (A) required reporting of verbal and physical violence;
 - (B) reporting of physical assaults to law enforcement; and
 - (C) implementation of a violence prevention plan and the contents of and personnel covered by the plan.

(b) The nursing resource section may contract with an independent researcher to conduct all or part of the study.

(c) The nursing advisory committee established by Section 104.0155 shall serve

No equivalent provision.

(b) Not later than December 31, 2016, the Department of State Health Services shall submit a report containing the results of the study conducted under Subsection (a) of this section to the governor, lieutenant governor, and speaker of the house of representatives.

No equivalent provision.

(c) This section expires December 31, 2017.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 1001.301, Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2015.

as the oversight committee for the study.

(d) To the extent possible, the nursing resource section shall cooperate with the department and the Texas Board of Nursing to conduct the study and coordinate the surveys required by this section with surveys required by other provisions of law.

(e) Not later than December 1, 2016, the nursing resource section shall complete the study and publish the study findings.

(f) The nursing resource section may use money transferred to the department from the Texas Board of Nursing under Section 301.155, Occupations Code, to conduct the surveys required by this section.

(g) This section expires December 31, 2017.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Sections 105.009 and 105.010, Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.