

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2696
By: Howard et al. (Zaffirini)
Health & Human Services
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Healthcare professions consistently are ranked among the most dangerous occupations in regard to risk of workplace assault. The Centers for Disease Control (CDC) estimates that over the last decade, healthcare workers have accounted for approximately two-thirds of the non-fatal workplace violence injuries involving days away from work. This equates to being five times greater than the overall workforce. What's more, the CDC recognizes that nurses and aides who have the most direct contact with patients are at higher risk of experiencing violence in a hospital setting. This risk not only threatens a nurse's person, but it also poses a threat to patients by complicating the delivery of treatment.

The committee substitute would permit the Texas Center for Nursing Workforce Studies in the Health Provisions Resource Center at the Department of State Health Services (DSHS) to conduct a study and publish results on workplace violence against nurses in certain facilities.

C.S.H.B. 2696 amends current law relating to a study on reducing workplace violence against nurses.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 105.001, Health and Safety Code, by adding Subdivisions (3), (4), (5), and (6) to define "freestanding emergency medical care facility," "home health agency," "hospital," and "nursing facility."

SECTION 2. Amends Chapter 105, Health and Safety Code, by adding Section 105.009, as follows:

Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES. (a) Authorizes the nursing resource section established under Section 105.002 (Establishment of Center), to the extent existing 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. Requires that a study conducted under this section:

- (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 required reporting of verbal and physical violence, reporting of physical assaults to law enforcement, and implementation of a violence prevention plan and the contents of and personnel covered by the plan.

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

(c) Requires the nursing advisory committee established by Section 104.0155 (Nursing Advisory Committee) to serve as the oversight committee for the study.

(d) Requires the nursing resources section, to the extent possible, to cooperate with the Texas Department of Health and the Texas Board of Nursing to conduct the study and coordinate the surveys under this section with surveys required by other provisions of law.

(e) Requires the nursing resource section, if the nursing resource section conducts a study under this section, to complete the study and publish the study findings not later than December 1, 2016.

(f) Provides that this section expires December 31, 2017.

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

SECTION 4. Effective date: upon passage or September 1, 2015.