

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 926 Session of
2025

INTRODUCED BY KRUEGER, KOSIEROWSKI, PROBST, CURRY, VENKAT,
MCNEILL, HILL-EVANS, SANCHEZ, ISAACSON, PIELLI, GIRAL, KHAN,
DONAHUE, HOHENSTEIN, BOYD, KENYATTA, WEBSTER, D. WILLIAMS,
O'MARA, MALAGARI, RIVERA, CIRESI, DEASY, WARREN, CERRATO,
DOUGHERTY, MULLINS, SCHLOSSBERG, BOROWSKI, NEILSON, WAXMAN,
MAYES, OTTEN, PARKER, ORTITAY, DALEY, SAPPEY, SMITH-WADE-EL,
T. DAVIS, MADDEN, FIEDLER, MEHAFFIE AND K.HARRIS,
MARCH 17, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 5, 2025

AN ACT

1 Providing for violence prevention committees in health
2 facilities, for duties of committees, for workplace violence
3 reporting requirements and for powers and duties of the
4 Department of Labor and Industry; and imposing fines and
5 administrative penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Health Care
10 Workplace Violence Prevention Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Committee." The violence prevention committee established
16 by a health facility under this act.

1 "Department." The Department of Labor and Industry of the
2 Commonwealth.

3 "Employee." An individual who is employed by a health
4 facility.

5 "Health facility." A hospital, long-term care nursing
6 facility, home health care agency, abortion facility, ambulatory
7 surgical facility, birth center or hospice, as those terms are
8 defined in section 802.1 of the act of July 19, 1979 (P.L.130,
9 No.48), known as the Health Care Facilities Act. The term
10 includes a private psychiatric hospital and public psychiatric
11 hospital as those terms are defined in 55 Pa. Code § 1151.2
12 (relating to definitions).

13 "NONMANAGEMENT." CONCERNING AN EMPLOYEE WHO DOES NOT HAVE
14 THE AUTHORITY TO EXERCISE INDEPENDENT JUDGMENT IN THE AREAS OF
15 HIRING, FIRING, DISCIPLINING OR TRANSFERRING OTHER EMPLOYEES.

<--

16 "Program." The workplace violence prevention program
17 established by a committee.

18 "Workplace violence." Violence or the threat of violence
19 against an employee that occurs during the course of employment
20 or is substantially related to employment.

21 Section 3. Violence prevention committee.

22 (a) Establishment.--Each health facility shall establish a
23 violence prevention committee to establish, review, administer
24 and provide guidance about a program relating to the prevention
25 of workplace violence at the health facility.

26 (b) Membership.--The committee shall be composed as follows:

27 (1) At least one member or designee of the committee
28 shall represent management and oversee implementation of the
29 program. The committee shall be led by two cochairs, one
30 representing management and one representing the union

employees and nonunion employees in the case of a health facility that has no union representing its employees.

(2) At least 50% of the members of the committee shall be ~~nonmanagerial~~ NONMANAGEMENT employees primarily engaged in direct patient care or clinical care services or employees who interface with the public. The committee shall have a proportional representation of ~~union employees, selected by their union, and nonunion employees,~~ NONMANAGEMENT EMPLOYEES elected by secret ballot by their peers. The proportional representation shall incorporate all employees at risk of becoming a victim of workplace violence and shall include representation from all main areas of the health facility that may be subject to workplace violence.

(3) The remaining members of the committee shall be selected by management and shall have experience, expertise or responsibility relevant to violence prevention or other expertise that is considered beneficial to the committee.

(4) THE COMMITTEE SHALL CONSIST OF AN EQUAL NUMBER OF MANAGEMENT AND NONMANAGEMENT EMPLOYEES. NONMANAGEMENT MEMBERS MUST MIRROR THE DEPARTMENTS AND UNITS THAT MANAGEMENT DESIGNATES AS MEMBERS TO THE COMMITTEE.

(c) Compensation.--A health facility shall provide paid time to employees while the employees are participating in the violence prevention committee.

Section 4. Duties of committee.

(a) Risk assessment evaluation.--

(1) Except as provided under paragraph (2), each committee shall perform an initial risk assessment based on an analysis of incidents of the prior five years and then annually thereafter, as well as an evaluation of the factors

1 that may put an employee at risk of workplace violence. Those
2 factors shall include, but not be limited to:

3 (i) Working in a public setting.

4 (ii) Guarding or maintaining property or
5 possessions.

6 (iii) Working in a high-crime area.

7 (iv) Working late at night or early in the morning.

8 (v) Using commuter lots that are not adequately lit
9 or frequently patrolled.

10 (vi) The existence of uncontrolled public access to
11 the workplace.

12 (vii) Working in a public area with individuals in
13 crisis.

14 (viii) Working in an area where a patient or
15 resident may exhibit violent behavior or where there has
16 been a pattern of violent behavior.

17 (ix) Working in a unit that does not have adequate
18 employee staffing levels.

19 (x) The existence or availability of a security
20 response team that is able to rapidly and effectively
21 respond to incidents of workplace violence.

22 (xi) Adequate training of employees to deal with
23 incidents of workplace violence.

24 (xii) The physical layout of the facility.

25 (2) The risk assessment may be performed by an outside
26 consultant to be paid by the health facility.

27 (b) Review.--Each committee shall meet quarterly to review
28 all incidents of workplace violence, to review compliance with
29 the program and the effectiveness of the program, to initiate
30 changes to the program where necessary and to perform any other

duties required under this act. The committee shall report annually the results of the reviews to the department together with any changes to the program adopted by the committee. If no changes are adopted in response to the review, the committee shall report that fact to the department.

(c) Preparation of report and establishment of program.--

Each committee shall:

(1) Prepare a report from the risk assessment evaluation and establish a written violence prevention program to mitigate risks based on the assessment. If there is more than one health facility within a system, there shall be a program established for each health facility. The program shall be updated annually.

(2) Develop and maintain a detailed, written violence prevention plan that:

(i) identifies and tracks incidents of workplace violence at the facility;

(ii) identifies workplace risks;

(iii) establishes a system to identify and flag individuals with a history of violence; and

(iv) provides specific methods to address workplace risks.

(3) Make the risk assessment report available to the members of the committee.

(4) Establish a method to expedite reporting and review of a report of workplace violence and make written recommendations to the health facility management on preventing additional incidents of similar workplace violence.

(5) Promptly after adopting a violence prevention plan,

file a copy of the plan with the department.

(d) Employee training.--The committee shall provide appropriate employee training to employees at the time of hire and annually thereafter.

Section 5. Reporting of workplace violence.

(a) Reporting.--An employee who reasonably believes that an incident of workplace violence has occurred shall report the occurrence of the incident in accordance with the violence prevention plan of the health facility unless the employee knows a report has already been made. The report shall be made immediately after the occurrence or discovery of the incident of workplace violence or as soon thereafter as reasonably practicable.

(b) Local law enforcement reporting.--It shall be considered a violation of this act to interfere with or discourage an employee from exercising the employee's right to contact or file a report with law enforcement regarding an incident of workplace violence.

(c) Retaliation.--An employee who reports the occurrence of an incident of workplace violence or encourages others to provide information regarding an incident of workplace violence under subsection (a) may not be subject to discrimination, dismissal, discipline, discharge or any other decision adverse to the employee, unless the employee knowingly makes a false report of an incident of workplace violence or is the perpetrator of an incident of workplace violence or other prohibited workplace behavior that resulted in a report by another employee.

(d) Maintenance of records.--A health facility shall maintain a report of an incident of workplace violence,

1 including records or documents regarding the report, for a
2 period of no less than three years. A health facility that fails
3 to comply with this subsection, including falsifying the
4 information required under section 9, shall be in violation of
5 this act and subject to the penalties specified under section 7.

6 Section 6. Distribution of reports of workplace violence.

7 A report of an incident of workplace violence that is
8 submitted to management or to the health facility shall be
9 provided to the committee within 72 hours of the submission of
10 the report.

11 Section 7. Penalties.

12 (a) Administrative fine.--The department may levy an
13 administrative fine on a health facility that violates this act
14 or any regulation adopted under this act. The fine shall be not
15 less than \$1,000 and not more than \$10,000 for each violation.

16 (b) Administrative order.--The department may order a health
17 facility to take an action that the department deems necessary
18 to correct a violation of this act, including payment of
19 restitution to an employee, a directive to change a policy or
20 procedure or a directive to remedy a retaliation prohibited
21 under section 5(c).

22 (c) Administrative agency law.--This section is subject to 2
23 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of
24 Commonwealth agencies) and 7 Subch. A (relating to judicial
25 review of Commonwealth agency action).

26 Section 8. Remedies.

27 (a) General rule.--If a health facility has engaged in
28 conduct that causes or maintains a substantial risk of further
29 workplace violence, including failing to implement the
30 recommendations of a committee, a court may enjoin the health

1 facility from engaging in the illegal activities and may order
2 any other relief that is appropriate, including, but not limited
3 to:

- 4 (1) reinstatement of an employee;
- 5 (2) removal of the offending party from the employee's
6 work environment;
- 7 (3) reimbursement for lost wages;
- 8 (4) medical expenses;
- 9 (5) compensation for emotional distress; and
- 10 (6) attorney fees.

11 (b) Reports to department.--

12 (1) If a committee concludes that a health facility has
13 failed to implement the safety recommendations of the
14 committee, the committee, by vote of a majority of the
15 members, may report the health facility's failure to the
16 department.

17 (2) If, after an investigation, the department
18 determines that the health facility is acting in bad faith
19 and failing to implement safety recommendations of the
20 committee, the department may impose penalties against the
21 health facility, including appropriate fines and
22 administrative penalties in accordance with section 7.

23 (3) Additionally, any individual has the ability to file
24 a complaint with the department for a violation of this act.

25 (4) If an activity, policy or practice has been reported
26 to management and, after reasonable opportunity for
27 correction, the problem has not been corrected or resolved
28 and an employee or a representative of the employees still
29 believes that a violation of the workplace violence
30 prevention program remains or that substantial risk of

workplace violence exists, such employee or representative of the employees may request an inspection by giving notice to the department of such a violation or risk. Such notice and request shall be in writing, shall specify with reasonable particularity the grounds for the notice and shall be signed by the employee or representative of employees. A copy of such notice shall be provided to the employer, except that on the request of the person giving notice, such person's name shall be withheld. If the department finds such a complaint to be credible, an inspection shall be made by the department.

(5) A representative of the employer and employees shall be given the opportunity to accompany the department representative during the inspection.

Section 9. Subpoenas and inspections.

(a) Subpoenas.--The Secretary of Labor and Industry or a designee who has investigatory subpoena authority may issue a subpoena upon the application of an attorney of the Office of General Counsel assigned by the department for the purpose of investigating alleged violations of this act. The department may make an application to the Commonwealth Court to enforce a subpoena under this subsection. Nothing in this subsection shall be construed to excuse a person from producing documents and records as requested by the department under any other provision of State law.

(b) Inspections.--The department may obtain information to investigate an alleged violation of this act or determine compliance with this act, including entering and inspecting a health facility at a reasonable time for the purpose of interviewing employees and inspecting and obtaining copies of

1 records, reports, documents or other information in any medium.

2 Section 10. Effect on collective bargaining agreements.

3 This act may not be construed to:

4 (1) Supersede a current provision of an employee's
5 existing collective bargaining agreement which provides
6 greater rights and protection than prescribed by this act.

7 (2) Prevent any new provisions of a collective
8 bargaining agreement which provides greater rights and
9 protections from being implemented and applicable to an
10 employee.

11 Section 11. Postincident services.

12 Following an incident of workplace violence, a health
13 facility shall, at a minimum, offer immediate postincident
14 services, including any necessary acute medical treatment or
15 mental health services for each employee of the health facility
16 who is directly involved in the incident of workplace violence.

17 Section 12. Requirements.

18 (a) Signage required.--A health facility shall post signs
19 provided by the department at all public entrances of the health
20 facility to notify individuals entering the health facility that
21 the assault of an employee is considered a felony.

22 (b) Development of signs.--The department shall consult with
23 the health facility industry in developing the signs required
24 under subsection (a).

25 Section 13. Construction.

26 Nothing in this act shall be construed to supersede or
27 relieve a health facility from obligations and requirements set
28 forth under a Federal or State law, regulation, rule or
29 guideline governing health facilities.

30 Section 14. Rules and regulations.

1 The department shall adopt rules and regulations necessary to
2 implement this act. The rules and regulations shall include
3 guidelines the department deems appropriate regarding workplace
4 violence prevention programs required under this act and related
5 to reporting and monitoring systems and employee training.

6 Section 15. Effective date.

7 This act shall take effect in 180 days.