

HEALTH AND SAFETY CODE
TITLE 4. HEALTH FACILITIES
SUBTITLE H. HEALTH FACILITY EMPLOYEES
CHAPTER 331. WORKPLACE VIOLENCE PREVENTION

Sec. 331.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Committee" means the workplace violence prevention committee or other committee responsible for developing a facility's workplace violence prevention plan under Section [331.002](#).

(3) "Facility" means:

(A) a home and community support services agency licensed or licensed and certified under Chapter [142](#) to provide home health services as defined by Section [142.001](#) that employs at least two registered nurses;

(B) a hospital licensed under Chapter [241](#) and a hospital maintained or operated by an agency of this state that is exempt from licensing under that chapter;

(C) a nursing facility licensed under Chapter [242](#) that employs at least two registered nurses;

(D) an ambulatory surgical center licensed under Chapter [243](#);

(E) a freestanding emergency medical care facility as defined by Section [254.001](#); and

(F) a mental hospital licensed under Chapter [577](#).
Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. [240](#)), Sec. 1, eff. September 1, 2023.

Sec. 331.002. WORKPLACE VIOLENCE PREVENTION COMMITTEE.

(a) Each facility shall establish a workplace violence prevention committee or authorize an existing facility committee to develop the workplace violence prevention plan required under Section [331.004](#).

(b) A committee must include at least:

(1) one registered nurse who provides direct care to

patients of the facility;

(2) except as provided by Subsection (c), one physician licensed to practice medicine in this state who provides direct care to patients of the facility; and

(3) one facility employee who provides security services for the facility if any and if practicable.

(c) If a facility described by Section 331.001(3)(A) does not have on staff at least one physician described by Subsection (b)(2), the facility is not required to include a physician on the committee.

(d) A health care system that owns or operates more than one facility may establish a single committee for all of the system's facilities if:

(1) the committee develops a violence prevention plan for implementation at each facility in the system; and

(2) data related to violence prevention remains distinctly identifiable for each facility in the system.

Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. 240), Sec. 1, eff. September 1, 2023.

Sec. 331.003. WORKPLACE VIOLENCE PREVENTION POLICY. (a) A facility shall adopt, implement, and enforce a written workplace violence prevention policy in accordance with this section to protect health care providers and employees from violent behavior and threats of violent behavior occurring at the facility.

(b) The workplace violence prevention policy must:

(1) require the facility to:

(A) provide significant consideration of the violence prevention plan recommended by the facility's committee; and

(B) evaluate any existing facility violence prevention plan;

(2) encourage health care providers and employees of the facility to provide confidential information on workplace violence to the committee;

(3) include a process to protect from retaliation facility health care providers or employees who provide information

to the committee; and

(4) comply with commission rules relating to workplace violence.

Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. 240), Sec. 1, eff. September 1, 2023.

Sec. 331.004. WORKPLACE VIOLENCE PREVENTION PLAN. (a) A facility shall adopt, implement, and enforce a written workplace violence prevention plan in accordance with this section to protect health care providers and employees from violent behavior and threats of violent behavior occurring at the facility.

(b) A facility's workplace violence prevention plan must:

(1) be based on the practice setting;

(2) adopt a definition of "workplace violence" that includes:

(A) an act or threat of physical force against a health care provider or employee that results in, or is likely to result in, physical injury or psychological trauma; and

(B) an incident involving the use of a firearm or other dangerous weapon, regardless of whether a health care provider or employee is injured by the weapon;

(3) require the facility to provide at least annually workplace violence prevention training or education that may be included in other required training or education provided to the facility's health care providers and employees who provide direct patient care;

(4) prescribe a system for responding to and investigating violent incidents or potentially violent incidents at the facility;

(5) address physical security and safety;

(6) require the facility to solicit information from health care providers and employees when developing and implementing a workplace violence prevention plan;

(7) allow health care providers and employees to report incidents of workplace violence through the facility's existing occurrence reporting systems; and

(8) require the facility to adjust patient care

assignments, to the extent practicable, to prevent a health care provider or employee of the facility from treating or providing services to a patient who has intentionally physically abused or threatened the provider or employee.

(c) The written workplace violence prevention plan may satisfy the requirements of Subsection (b) by referencing other internal facility policies and documents.

(d) A committee at least annually shall:

(1) review and evaluate the workplace violence prevention plan; and

(2) report the results of the evaluation to the governing body of the facility.

(e) Each facility shall make available on request an electronic or printed copy of the facility's workplace violence prevention plan to each health care provider or employee of the facility. If the committee determines the plan contains information that would pose a security threat if made public, the committee may redact that information before providing the plan.

Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. 240), Sec. 1, eff. September 1, 2023.

Sec. 331.005. RESPONDING TO INCIDENT OF WORKPLACE VIOLENCE.

(a) Following an incident of workplace violence, a facility shall at a minimum offer immediate post-incident services, including any necessary acute medical treatment for each health care provider or employee of the facility who is directly involved in the incident.

(b) A facility may not discourage a health care provider or employee from exercising the provider's or employee's right to contact or file a report with law enforcement regarding an incident of workplace violence.

(c) A person may not discipline, including by suspension or termination of employment, discriminate against, or retaliate against another person who:

(1) in good faith reports an incident of workplace violence; or

(2) advises a health care provider or employee of the provider's or employee's right to report an incident of workplace

violence.

Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. [240](#)), Sec. 1, eff. September 1, 2023.

Sec. 331.006. ENFORCEMENT. An appropriate licensing agency may take disciplinary action against a person who violates this chapter as if the person violated an applicable licensing law. Added by Acts 2023, 88th Leg., R.S., Ch. 31 (S.B. [240](#)), Sec. 1, eff. September 1, 2023.