

STATE OF NEW YORK

4909--A

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sens. SEPULVEDA, CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring hospitals to conduct an annual safety and security assessment and develop a violence prevention program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 2831 to read as follows:

3 § 2831. Violence prevention program. 1. Within six months of the
4 effective date of this section, every hospital shall establish a
5 violence prevention program for the purpose of protecting health care
6 workers, patients, families and visitors. The program shall, at a mini-
7 mum, include the requirements set forth in this section.

8 2. Beginning September first, two thousand twenty-five, all hospitals
9 shall conduct, not less than annually, a safety and security assessment
10 and develop a safety and security plan. As part of the plan, a hospital
11 shall adopt security policies including personnel training policies
12 designed to protect personnel, patients, and visitors from aggressive or
13 violent behavior. The assessment shall consider limiting and regulating
14 visitor access through a secure primary entrance, implementing strong
15 visitor management programs through the use of visitor screening tech-
16 nologies that incorporate the issuance of temporary identification badg-
17 es to all visitors entering the hospital. In conducting the annual
18 assessment and developing the plan, the hospital shall consult with
19 affected employees, including the recognized collective bargaining agent
20 or agents, if any, and members of the hospital medical staff and may
21 occur through established hospital safety and security committees and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 existing labor management committees. Persons regularly assigned to
2 provide security in a hospital setting shall be adequately trained
3 regarding the role of security in hospital operations, including the
4 identification of aggressive and violent predicting factors and manage-
5 ment of violent disturbances.

6 3. The annual safety and security assessment shall include, but not be
7 limited to, security considerations relating to all of the following:

8 (a) the facility's layout, access restrictions and physical and struc-
9 tural layout concerns that could lead to endangering the safety of
10 patients and hospital personnel;

11 (b) the impact of sufficient staffing, including security personnel to
12 deliver security;

13 (c) adequate policy and training to respond to violent acts;

14 (d) the crime rate in surrounding areas, lighting, and efforts to
15 cooperate with local law enforcement regarding violent acts in the
16 facility;

17 (e) protective measures, including communication, alarms and access
18 control;

19 (f) the handling and identification of disturbed patients, visitors
20 and employees;

21 (g) the handling of threats and the presence of individuals who may
22 pose a risk of violence;

23 (h) hospital safety and emergency preparedness;

24 (i) mechanisms for ensuring appropriate safety and security communi-
25 cation and information sharing between staff; and

26 (j) safety protocols to meet the needs of individuals with mental
27 illness, violence prevention and de-escalation safeguards.

28 4. The safety and security plan shall specify methods to reduce iden-
29 tified risks, including training, increased staffing and security,
30 equipment and facility modifications. The plan shall provide that each
31 hospital have at least one off-duty law enforcement officer or trained
32 security personnel be present at all times in the emergency department
33 of such hospital. Every hospital shall make the safety and security
34 plan and other aspects of the violence prevention program available,
35 upon request, to its employees, their designated representatives and to
36 the department.

37 § 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law.