

STATE OF NEW YORK

5294--B

Cal. No. 893

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sens. SEPULVEDA, CLEARE, COMRIE, FAHY, GRIFFO, MATTERA, ROLISON, C. RYAN, WEBB, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to requiring hospitals to 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 2832 to read as follows:

3 § 2832. Violence prevention program. 1. For the purposes of this
4 section, the term "facility" shall mean a general hospital or a nursing
5 home as defined in section twenty-eight hundred one of this article.

6 2. Within twelve months of the effective date of this section, every
7 facility shall establish a workplace violence prevention program. Such
8 program in a general hospital shall be consistent with regulatory
9 requirements including the Centers for Medicare and Medicaid Services
10 Hospital Conditions of Participation regarding caring for patients in a
11 safe setting 42 CFR § 482.13(c)(2), and emergency preparedness 42 CFR §
12 482.15(a) and (d)(1), and the workplace violence standards of any
13 accrediting organization deemed by the Centers for Medicare and Medicaid
14 Services under which such hospital maintains accreditation provided
15 however, such standards are comparable to those established by The Joint
16 Commission. The purpose of such a program shall be to protect health
17 care workers, patients, facility residents, and visitors. The program
18 shall, at a minimum, include the requirements set forth in this section.

19 3. Beginning January first, two thousand twenty-seven, all general
20 hospitals shall conduct, not less than annually, a workplace safety and

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

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1 security assessment and develop a safety and security plan that
2 addresses identified workplace violence threats or hazards. As part of
3 the plan, a general hospital shall adopt security measures and policies,
4 including personnel training policies designed to prevent or minimize
5 identified workplace violence threats or hazards and protect employees,
6 patients, and visitors from aggressive or violent behavior, including
7 but not limited to, credible threats, assaults, injuries, and deaths. In
8 conducting the assessment and developing the plan, general hospitals
9 shall ensure the active involvement of employees, including the recog-
10 nized collective bargaining agent or agents, if any, and may do so
11 through established general hospital safety and security committees and
12 existing labor management committees. Nothing in this section shall
13 diminish, supplant or restrict the rights, privileges and remedies of
14 any employee or collective bargaining representative under applicable
15 law, rule or regulation or under the terms of a collective bargaining
16 agreement.

17 4. The safety and security assessment shall be tailored to the size,
18 complexity, and local geographical factors affecting the general hospi-
19 tal and shall identify and consider relevant threats and hazards,
20 including but not limited to workplace violence incident reports and
21 incident logs, concerns or complaints raised by employees, patients,
22 visitors and recognized collective bargaining representatives, safety
23 and security considerations relating to the general hospital's layout
24 and access points, visitor management, and protective factors such as
25 access control, engineering controls to limit violence or protect
26 employees, alarms and communication systems, and other relevant factors,
27 as appropriate to the general hospital. Additionally, the assessment
28 shall consider the adequacy of employee training policies and security
29 procedures, including the handling of disruptive or violent patients and
30 other persons. Health care workers regularly assigned to provide securi-
31 ty in general hospital settings shall be trained regarding the role of
32 security in overall hospital operations.

33 5. Based on the findings and ongoing review of the workplace violence
34 assessment, general hospitals shall implement a workplace violence safe-
35 ty and security plan, which shall be updated as necessary to address
36 newly identified material risks and changes in conditions. The safety
37 and security plan shall specify methods to reduce identified risks,
38 which may include employee training, increased staffing and security,
39 engineering controls such as barriers, lighting, alarms and communi-
40 cation systems, safety equipment, general hospital improvements or
41 modifications, and other appropriate measures relevant to the general
42 hospital. Each general hospital shall provide a written detailed summary
43 of the safety and security plan to its employees and collective bargain-
44 ing representatives, if applicable. Each general hospital shall also
45 provide information to its employees and collective bargaining represen-
46 tatives, if applicable, about how to report incidents of workplace
47 violence. Each general hospital shall share summaries of the incident
48 log, appropriately redacted to protect the privacy of persons involved
49 in an incident, trends and analysis of relevant data with the general
50 hospital security or safety committee responsible for workplace violence
51 and ensure that the data is part of the workplace violence assessment
52 process.

53 6. Notwithstanding any provision of this section, compliance by a
54 nursing home with the federal regulations 42 CFR 483.71(a)(3) and
55 (b)(1), and 42 CFR 483.73(a)(1), governing nursing homes shall satisfy

1 the requirements of this section for such facilities, provided that such
2 assessments and plans address workplace violence threats and hazards.

3 § 2. The public health law is amended by adding a new section 2832-a
4 to read as follows:

5 § 2832-a. Emergency department security. 1. A general hospital located
6 in a city or county with a population of one million or more shall be
7 required to have at least one off-duty law enforcement officer or
8 trained security personnel be present at all times in the emergency
9 department, subject to emergent circumstance in any hospital that
10 requires an adjustment in personnel.

11 2. A general hospital located in a city or county with a population
12 less than one million shall be required to have at least one off-duty
13 law enforcement officer or trained security personnel on premises at all
14 times in a manner that prioritizes physical presence near, or within
15 close proximity to, the emergency department of such hospital with
16 direct responsibility to the emergency department. This shall not apply
17 to hospitals designated as critical access hospitals, sole community
18 hospitals, or rural emergency hospitals. However, if any such hospital
19 experiences increased rates of violence or abuse of emergency department
20 personnel, by an amount to be determined by the commissioner, evidenced
21 by internal reporting pursuant to the violence prevention program or
22 reports to law enforcement the commissioner shall work with the critical
23 access hospital, sole community hospital, or rural emergency hospital to
24 come into compliance with the requirement, to have at least one off-duty
25 law enforcement officer or trained security personnel on premises at all
26 times in a manner that prioritizes physical presence near, or within
27 close proximity to, the emergency department of such hospital with
28 direct responsibility to the emergency department, over a reasonable
29 period of time.

30 § 3. This act shall take effect on the two hundred eightieth day after
31 it shall have become a law.