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:

Section 1. The public health law is amended by adding a new section 2832 to read as follows:

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

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

3. Beginning January first, two thousand twenty-seven, all general 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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security assessment and develop a safety and security plan that addresses identified workplace violence threats or hazards. As part of the plan, a general hospital shall adopt security measures and policies, including personnel training policies designed to prevent or minimize identified workplace violence threats or hazards and protect employees, patients, and visitors from aggressive or violent behavior, including but not limited to, credible threats, assaults, injuries, and deaths. In conducting the assessment and developing the plan, general hospitals shall ensure the active involvement of employees, including the recognized collective bargaining agent or agents, if any, and may do so through established general hospital safety and security committees and existing labor management committees. Nothing in this section shall diminish, supplant or restrict the rights, privileges and remedies of any employee or collective bargaining representative under applicable law, rule or regulation or under the terms of a collective bargaining agreement.

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

5. Based on the findings and ongoing review of the workplace violence assessment, general hospitals shall implement a workplace violence safety and security plan, which shall be updated as necessary to address newly identified material risks and changes in conditions. The safety and security plan shall specify methods to reduce identified risks, which may include employee training, increased staffing and security, engineering controls such as barriers, lighting, alarms and communication systems, safety equipment, general hospital improvements or modifications, and other appropriate measures relevant to the general hospital. Each general hospital shall provide a written detailed summary of the safety and security plan to its employees and collective bargaining representatives, if applicable. Each general hospital shall also provide information to its employees and collective bargaining representatives, if applicable, about how to report incidents of workplace violence. Each general hospital shall share summaries of the incident log, appropriately redacted to protect the privacy of persons involved in an incident, trends and analysis of relevant data with the general hospital security or safety committee responsible for workplace violence and ensure that the data is part of the workplace violence assessment process.

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

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

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

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

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

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