

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 809
PROPOSED COMMITTEE SUBSTITUTE H809-PCS30344-SH-28

Short Title: Hospital Violence Protection Act.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE HOSPITAL VIOLENCE PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known and may be cited as "The Hospital Violence
5 Protection Act of 2023."

6 **SECTION 2.** Article 5 of Chapter 131E of the General Statutes is amended by adding
7 a new Part to read:

8 "Part 3A. Hospital Violence Protection Act.

9 **§ 131E-88. Law enforcement officers required in emergency departments.**

10 (a) As used in this Part, "law enforcement officer" means (i) a sworn law enforcement
11 officer or (ii) a special police officer, as defined in subdivision (b)(3) of G.S. 74E-6, who is duly
12 authorized to carry a concealed weapon.

13 (b) Each hospital licensed under this Article that has an emergency department shall
14 conduct a security risk assessment and develop and implement a security plan with protocols to
15 ensure that at least one law enforcement officer is present at all times in the emergency
16 department or on the same campus as the emergency department, unless excluded by a
17 determination of the Department of Health and Human Services under subsection (c) of this
18 section. The security plan required by this section shall include all of the following components:

19 (1) Training for law enforcement officers employed by the hospital that is
20 appropriate for the populations served by the emergency department.

21 (2) Training for law enforcement officers employed by the hospital that is based
22 on a trauma-informed approach to identifying and safely addressing situations
23 involving patients, family members, or other persons who pose a risk of harm
24 to themselves or others due to mental illness or substance use disorder or who
25 are experiencing a mental health crisis.

26 (3) Safety protocols based on all of the following:

27 a. Standards established by a nationally recognized organization
28 approved by the Department that has experience educating and
29 certifying professionals involved in managing and directing security
30 and safety programs in healthcare facilities.

31 b. The results of a security risk assessment of the emergency department.

32 c. Risks for the emergency department identified in consultation with the
33 emergency department's medical director and nurse leadership, law
34 enforcement officers employed by the hospital, and a local law
35 enforcement representative. These identified risks shall take into
36 consideration the hospital's trauma level designation, overall patient



* H 8 0 9 - P C S 3 0 3 4 4 - S H - 2 8 *

1 volume, volume of psychiatric and forensic patients, incidents of
2 violence against staff and level of injuries sustained from such
3 violence, and prevalence of crime in the community.

4 (4) Safety protocols that include the presence of at least one law enforcement
5 officer in the emergency department, or on the same campus as the emergency
6 department, at all times, unless an exemption is approved under subsection (c)
7 of this section.

8 (5) Training requirements for law enforcement officers employed by the hospital
9 in the potential use of and response to weapons, defensive tactics,
10 de-escalation techniques, appropriate patient intervention activities, crisis
11 intervention, and trauma-informed approaches.

12 (c) A hospital is not required to have at least one law enforcement officer present in the
13 emergency department or on the hospital campus at all times if the hospital in good faith
14 determines that a different level of security is necessary and appropriate for any of its emergency
15 departments based upon findings in the security risk assessment required under sub-subdivision
16 (b)(3)b. of this section. A hospital that determines that a different level of security is necessary
17 and appropriate shall include the basis for that determination in its security risk assessment and
18 request an exemption for this requirement from the Department. The hospital shall also provide
19 appropriate hospital workplace violence prevention program training, education, and resources
20 to staff, practitioners, and non-law enforcement officer security personnel.

21 **"§ 131E-88.2. Report.**

22 (a) Annually by September 1, the Administrative Office of the Courts shall report to the
23 Department of Health and Human Services, Division of Health Service Regulation, the number
24 of persons charged and convicted during the preceding calendar year of a crime under
25 G.S. 14-34.6.

26 (b) Annually by September 1, the Department of Health and Human Services, Division
27 of Health Service Regulation, shall collect the following data from hospitals for the preceding
28 calendar year: (i) the number of assaults occurring in the hospital or on hospital grounds that
29 required the involvement of law enforcement, whether the assaults involved hospital personnel,
30 and how those assaults were pursued by the hospital and processed by the judicial system, (ii)
31 the number and impact of incidences where patient behavioral health and substance use issues
32 resulted in violence in the hospital and the number that occurred specifically in the emergency
33 department, and (iii) the number of workplace violence incidences occurring at the hospital that
34 were reported as required by accrediting agencies, the Occupational Safety and Health
35 Administration, and other entities.

36 (c) The Department of Health and Human Services shall compile the information
37 required by subsections (a) and (b) of this section, including any recommendations to decrease
38 the incidents of violence in hospitals and to decrease assaults on hospital personnel, and report
39 to the Joint Legislative Oversight Committee on Health and Human Services annually by
40 December 1."

41 **SECTION 3.(a)** By October 1, 2023, the Department of Health and Human Services
42 shall notify all hospitals licensed under Article 5 of Chapter 131E of the General Statutes about
43 the requirements of Part 3A of Article 5 of Chapter 131E of the General Statutes, including the
44 reporting requirements required by G.S. 131E-88.2(b), as enacted by this act.

45 **SECTION 3.(b)** The first reports under G.S. 131E-88.2(a) and (b), as enacted by this
46 act, are due on or before September 1, 2025. The first report required by G.S. 131E-88.2(c), as
47 enacted by this act, is due on or before December 1, 2025.

48 **SECTION 4.** Section 3 of this act is effective when it becomes law. The remainder
49 of this act becomes effective October 1, 2024.