



# HOUSE BILL 809: Hospital Violence Protection Act.

2023-2024 General Assembly

|                       |                                                    |                     |                     |
|-----------------------|----------------------------------------------------|---------------------|---------------------|
| <b>Committee:</b>     | House Rules, Calendar, and Operations of the House | <b>Date:</b>        | May 2, 2023         |
| <b>Introduced by:</b> | Reps. Reeder, Miller, Pyrtle                       | <b>Prepared by:</b> | Theresa Matula      |
| <b>Analysis of:</b>   | Second Edition                                     |                     | Legislative Analyst |

**OVERVIEW:** *House Bill 809 would enact the Hospital Violence Protection Act to require each hospital with an emergency department to conduct a security risk assessment and to implement a security plan that ensures at least one law enforcement officer is present in the emergency department, or on the same campus, at all times. There is a process allowing a hospital to request from the Department of Health and Human Services, an exemption to the law enforcement officer requirement based on the findings of the security risk assessment. This portion of the bill would become effective October 1, 2024.*

*House Bill 809 requires the Department of Health and Human Services to notify hospitals of the requirements of the Act and of the requirement to submit violence and assault data by September 1 each year to the Department. The Department will compile the data submitted by the hospitals and the Administrative Office of the Courts and provide a report to the Joint Legislative Oversight Committee on Health and Human Services annually by December 1.*

## BILL ANALYSIS:

**Sections 1 and 2** of House Bill 809 would enact Part 3A, in Article 5 of Chapter 131E of the General Statutes, which provides the Hospital Violence Protection Act. The bill would require each hospital that has an emergency department to conduct a security risk assessment and develop and implement a security plan with protocols to ensure that at least one law enforcement officer is present at all times in the emergency department or on the same campus, unless excluded by a determination of the Department of Health and Human Services in accordance with G.S. 131-88(c).

The **security plan developed** by the hospital must include the following elements:

- Training for law enforcement officers appropriate for the populations served by the emergency department.
- Training for law enforcement officers based on a trauma-informed approach to identifying and safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance use disorder or who are experiencing a mental health crisis.
- Safety protocols based on all of the following:
  - Standards established by a nationally recognized organization approved by the Department.
  - The results of a security risk assessment of the emergency department.
  - Risks for the emergency department identified in consultation with the emergency department's medical director and nurse leadership, law enforcement officers employed by the hospital, and a local law enforcement representative.
- Safety protocols that include the presence of at least one law enforcement officer in the emergency department or on the same campus as the emergency department at all times unless exempted.

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

## **Annual Reports required by the bill:**

- By September 1, the Administrative Office of the Courts must report the number of persons charged and convicted of a crime under the law addressing assault or affray on a firefighter, emergency medical technician, medical responder, and hospital personnel (G.S. 14-34.6).
- By September 1, the Department of Health and Human Services, Division of Health Service Regulation must collect the following data from hospitals:
  - (i) the number of assaults occurring in the hospital or on hospital grounds that required the involvement of law enforcement, whether the assaults involved hospital personnel, and how those assaults were pursued by the hospital and processed by the judicial system,
  - (ii) the number and impact of incidences where patient behavioral health and substance use issues resulted in violence in the hospital and the number that occurred specifically in the emergency department, and
  - (iii) the number of workplace violence incidences occurring at the hospital that were reported as required by accrediting agencies, the Occupational Safety and Health Administration, and other entities.
- By December 1, the Department must compile the above information in a report and include any recommendations to decrease the incidents of violence in hospitals and to decrease the assaults on hospital personnel and report to the Joint Legislative Oversight Committee on Health and Human Services.

## **Section 3 outlines when the first reports are due.**

- By October 1, 2023, the Department must notify all hospitals of the requirements contained in the bill.
- The first reports required to be submitted to the Department are due on or before September 1, 2025.
- The first report due to the Joint Legislative Oversight Committee on Health and Human Services is due on or before December 1, 2025.

**EFFECTIVE DATE:** Section 3 of the bill would become effective when it becomes law, the remainder of the bill would become effective October 1, 2024.