

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 452

Representatives White, Baker

Cosponsors: Representatives Liston, Abdullahi, Blackshear, Brennan, Brewer, Brown, Dell'Aquila, Denson, Dobos, Forhan, Grim, Jarrells, Loychik, Miller, A., Mohamed, Oelslager, Patton, Piccolantonio, Rogers, Russo, Somani, Troy, Whitted, Young, T.

A BILL

To amend section 3727.18; to amend, for the purpose
of adopting a new section number as indicated in
parentheses, section 3727.18 (3727.182); and to
enact new section 3727.18 and sections 109.7411
and 3727.181 of the Revised Code regarding
hospital violence prevention and related
training, security plans, and incident
reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3727.18 be amended; section
3727.18 (3727.182) be amended for the purpose of adopting a new
section number as indicated in parentheses; and new section
3727.18 and sections 109.7411 and 3727.181 of the Revised Code
be enacted to read as follows:

Sec. 109.7411. Not later than six months after the
effective date of this section, the attorney general shall
adopt, in accordance with Chapter 119. or pursuant to section

109.74 of the Revised Code, rules permitting security personnel 17
employed directly by a hospital system, or a hospital that is 18
not part of a hospital system, access to any online training 19
that meets the requirements of division (B) (4) of section 20
3727.18 of the Revised Code and is available under sections 21
109.741 to 109.7410 of the Revised Code, or otherwise provided 22
by the Ohio peace officer training academy or at approved peace 23
officer training schools other than the Ohio peace officer 24
training academy. 25

Sec. 3727.18. (A) Each hospital system, and each hospital 26
that is not part of a hospital system, shall establish a 27
security plan for preventing workplace violence and managing 28
aggressive behaviors. In developing the plan, the hospital 29
system or hospital shall involve a team consisting of members 30
selected by the hospital system or hospital, subject to both of 31
the following: 32

(1) At least one member of the team shall be a current or 33
former patient of the hospital system or hospital or a family 34
member of such a patient. 35

(2) At least fifty per cent of the team's total membership 36
shall be comprised of health care employees who provide direct 37
patient care for the hospital system or hospital. 38

(B) All of the following apply to a security plan 39
established under this section: 40

(1) The plan shall be based on the results of a security 41
risk assessment, which, in the case of a hospital system, shall 42
be conducted for each hospital in the system. The assessment 43
shall address all high-risk areas of the hospital, including its 44
emergency department and psychiatric department, if the hospital 45

has such departments. The assessment shall be conducted in 46
consultation with the medical and nursing directors of each 47
department or other high-risk area that is assessed. The 48
assessment shall consider any trauma level designation held by 49
the hospital, overall patient volume, psychiatric and forensic 50
patient volume, past incidents of violence against staff and 51
levels of injury resulting from those incidents, rates of crime 52
in the community, and any other data points specified by the 53
team selected under division (A) of this section. 54

(2) The plan shall include an option for health care 55
employees who provide direct patient care to request a first 56
name only or first name and last initial only identification 57
badge. 58

(3) The plan shall require at least one hospital employee 59
trained in de-escalation practices to be present at all times in 60
the hospital's emergency department and psychiatric department, 61
if the hospital has such departments. The plan may require at 62
least one such trained employee to be present in other high-risk 63
areas that were identified during the hospital's risk 64
assessment. Additionally, based on the risk assessment, the plan 65
shall address whether hospital police officers, trained security 66
personnel, or off-duty law enforcement officers are required to 67
be present in the hospital's emergency department and 68
psychiatric department, if any, and in other high-risk areas 69
that were identified during the hospital's risk assessment. 70

(4) The plan shall outline training requirements for 71
security personnel regarding all of the following: 72

(a) The potential use of and response to weapons; 73

(b) Defensive tactics; 74

<u>(c) De-escalation techniques;</u>	75
<u>(d) Appropriate physical restraint and seclusion techniques;</u>	76 77
<u>(e) Crisis intervention;</u>	78
<u>(f) Trauma-informed approaches;</u>	79
<u>(g) Safely addressing situations involving patients, family members, or other individuals who pose a risk of self-harm or harm to others.</u>	80 81 82
<u>(5) The plan shall include guidelines outlining when law enforcement officers, including hospital police officers, remain with a patient who has demonstrated violence or poses a risk of self-harm or harm to others. The guidelines shall be developed jointly with law enforcement authorities, including hospital police departments, that agree to participate after being invited to participate by the hospital system or hospital.</u>	83 84 85 86 87 88 89
<u>(C) Each hospital system and hospital that establishes a security plan pursuant to this section shall review and evaluate the plan on an annual basis. In conducting the review and evaluation, the hospital system or hospital shall involve the team selected under division (A) of this section or a successor team that meets the membership requirements described in that division. If it is determined from the review and evaluation that revisions to the plan are required, the hospital system or hospital shall revise the plan accordingly.</u>	90 91 92 93 94 95 96 97 98
<u>(D) All hospital systems and hospitals shall submit to the department of health, in a manner designated by the department, verification of compliance with sections 3727.18 to 3727.182 of the Revised Code.</u>	99 100 101 102

(E) Notwithstanding any provision of the Revised Code to the contrary, both of the following are confidential and not public records under section 149.43 of the Revised Code: 103
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(1) Security plans developed under this section and their annual revisions; 106
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(2) Information submitted to the department under division (D) of this section. 108
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(F) The director of health may adopt rules as necessary to implement this section and section 3727.181 of the Revised Code. Any rules shall be adopted under Chapter 119. of the Revised Code. 110
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Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 114
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Sec. 3727.181. Each hospital system, and each hospital that is not part of a hospital system, shall establish a workplace violence incident reporting system, which shall be documented, tracked, and analyzed. The results of the analysis shall be used to make improvements in preventing workplace violence and managing aggressive behaviors, including improvements achieved through continuing education in targeted areas such as de-escalation training, risk identification, and prevention planning. 118
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The reporting system shall be clearly communicated to employees, including to all new employees during orientation, and shall include guidelines for when and how to report incidents to the employer, security agencies, law enforcement authorities, including hospital police departments, local 127
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emergency service organizations, or government agencies. 132

Each hospital system, and each hospital that is not part 133
of a hospital system, shall adopt a policy that prohibits any 134
person from discriminating or retaliating against any health 135
care employee for reporting to, or seeking assistance or 136
intervention from, the employer, security agencies, law 137
enforcement authorities, including hospital police departments, 138
local emergency service organizations, or government agencies, 139
or for participating in an incident investigation. 140

All hospital systems and hospitals shall use their 141
reporting systems to track the following: the number of 142
incidents reported through their respective reporting systems; 143
the number of incidents reported to law enforcement authorities, 144
including those reported to a hospital police department; and 145
the number of individuals involved in the incidents who are 146
criminally charged as a result. The data shall be shared with 147
the team involved in developing the security plan under section 148
3727.18 of the Revised Code or in conducting the annual review 149
and evaluation of the plan under that section. 150

Sec. ~~3727.18~~ 3727.182. (A) ~~Any hospital may~~ All hospitals 151
shall post the notice described in division (B) of this section 152
in accordance with this division. ~~A~~ The notice may be posted in 153
print or a digital sign format. Each hospital that decides to 154
~~post the notice~~ shall consider posting it the notice in a 155
conspicuous location in all of the following areas: 156

(1) Major waiting room areas, including the waiting room 157
areas of the emergency department, the labor and delivery 158
department, the surgical department or unit, and the intensive 159
care unit; 160

(2) The main entrance to the hospital;	161
(3) Any other area that the hospital determines to be appropriate.	162 163
(B) A notice posted pursuant to division (A) of this section shall include, at a minimum, all of the following statements and information, either as stated in this division or <u>by using similar wording:</u>	164 165 166 167
"WE WILL NOT TOLERATE	168
any form of threatening or	169
aggressive behavior	170
toward our staff.	171
Assaults against our staff might <u>are serious violations</u> <u>and could result in consequences, including a</u> felony conviction.	172 173
All staff have the right to carry out	174
their work without fearing for their safety."	175
Section 2. That existing section 3727.18 of the Revised Code is hereby repealed.	176 177
Section 3. In the case of a hospital system, or a hospital that is not part of a hospital system, that exists on the effective date of this section, the hospital system or hospital shall do all of the following not later than three months after that date:	178 179 180 181 182
(A) Comply with section 3727.18 of the Revised Code by establishing a security plan for preventing workplace violence and managing aggressive behaviors and by submitting a copy of the plan to the Department of Health;	183 184 185 186

(B) Comply with section 3727.181 of the Revised Code by	187
establishing a workplace violence incident reporting system;	188
(C) Comply with posting the notice as described in section	189
3727.182 of the Revised Code.	190
Section 4. Not later than six months after the effective	191
date of this section, the Department of Higher Education,	192
jointly with the Department of Health, shall survey colleges and	193
universities that provide education and training to students	194
seeking to become health care providers, including medical	195
students, nursing students, and allied health students, to	196
determine the extent to which the education and training	197
provided to those students address the prevention of workplace	198
violence and management of aggressive behaviors. The survey	199
shall include a determination of whether de-escalation, conflict	200
management, and risk identification and assessment are part of	201
the education and training. Based on the survey, the Chancellor	202
of Higher Education, in consultation with the Ohio Council of	203
Medical School Deans and the Ohio Council of Deans and Directors	204
of Baccalaureate and Higher Degree Nursing Programs, shall make	205
recommendations and prepare a report for the General Assembly.	206
The report shall be completed not later than three months after	207
completion of the survey. The report shall be provided in	208
accordance with section 101.68 of the Revised Code.	209