

HOUSE BILL NO. 538

INTRODUCED BY G. PIERSON JR

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VIOLENCE AGAINST HEALTH CARE WORKERS; REQUIRING THAT A WRITTEN REPORT BE FILED AFTER AN ACT OF VIOLENCE IS COMMITTED AGAINST A HEALTH CARE WORKER; CLARIFYING THAT REPORTS MUST BE KEPT BY EMPLOYERS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Mandatory report of violence against health care workers.** (1) An act of violence committed against a health care worker while on duty in the course of employment must be reported to law enforcement by a health care provider or employer that witnesses the act of violence or receives a report of an act of violence.

(2) An employer shall ensure that a verbal report is made by the victim of the act of violence, a health care worker who witnessed the incident, or the health care provider. A verbal report must be made in person or over the telephone to law enforcement by the fastest possible means and no later than 24 hours after a health care worker is a victim of an act of violence, witnesses an act of violence, or receives a report of an act of violence against a health care worker.

(3) An employer shall submit a written report to law enforcement within 5 days of the incident that includes:

- (a) the job title of the victim;
- (b) the name and address of the victim;
- (c) the name and address of the perpetrator, if known;
- (d) the date and time a verbal report was made to law enforcement; and
- (e) a description of the incident.

(4) The employer shall keep a copy of the written report for 5 years after it is submitted to law enforcement.

(5) As used in this section, the following definitions apply:

- (a) "Act of violence" means an action in which any person:

1 (i) uses force that causes injury to another person; or

2 (ii) threatens to use force against a person that causes substantial fear of injury to another person.

3 (b) "Employer" means a health care provider or other entity that employs a health care worker directly,
4 contractually, or otherwise.

5 (c) "Health care provider" means a person that is licensed to provide health care services by the
6 department of labor under Title 37 or by the department of public health and human services under Title 50 or
7 is licensed by any other state or federal health care licensing body.

8 (d) "Health care worker" means any person employed by a health care provider who provides health care
9 services in the course of employment.

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11 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 50, chapter 5, and the provisions of Title 50, chapter 5, apply to [section 1].

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14 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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