

HOUSE BILL NO. 590

INTRODUCED BY E. BUTTREY, A. BUCKLEY, G. FRAZER, J. LYNCH, E. MATTHEWS

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING LAWS RELATED TO VIOLENCE AGAINST HEALTH CARE WORKERS AND WORKERS EMPLOYED BY HEALTH CARE PROVIDERS; PROVIDING FOR REPORTING OF VIOLENCE AGAINST A HEALTH CARE WORKER; PROVIDING FOR A REPORT OF VIOLENCE AGAINST HEALTH CARE WORKERS; AMENDING SECTION 50-16-805, MCA; AND PROVIDING A TERMINATION DATE."

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

NEW SECTION. Section 1. Reporting of violence against health care employee.

(1) If a health care employee suffers an act of violence while on duty, the health care employer shall ensure that the health care employee and any employees who witnessed the act of violence provide oral reports to the health care employer. The oral reports must be made by the fastest possible means, absent circumstances beyond the control of the health care employer, and not later than 24 hours after the act of violence.

(2) The health care employer of a health care employee who suffers an act of violence shall report the event to law enforcement if the health care employee consents.

(3) (a) After the health care employer receives an oral report under subsection (1), the health care employer shall produce a written report that includes the following:

- (i) the phone number, address, and contact person for the health care employer;
- (ii) the job title, name, phone number, and address of the health care employee who suffered the act of violence;
- (iii) the name, phone number, and address of the person who committed the act of violence, if known; and
- (iv) a detailed description of the act of violence, noting the date and time the oral report was made.

(b) Reports created in accordance with this section are not considered protected health care information and must be retained by health care employers separate and apart from a patient's medical record.

1 (4) The health care employer shall retain a copy of the written report for 5 years and provide
 2 copies of the reports to the department quarterly or on request by the department. Disclosure of this information
 3 by a health care employer should be made on a minimum necessary basis and the disclosure is authorized by
 4 50-16-805.

5 (5) Based on information received under this section, the department shall compile an annual
 6 report on workplace violence in health care and publish the report to its website annually.

7 (6) For the purposes of this section, the following definitions apply:

8 (a) "Act of violence" means an action in which a person intentionally or purposefully uses force that
 9 causes injury to another person or threatens to use force against a person that causes substantial fear of injury
 10 to the person.

11 (b) "Health care employee" means any employee employed by a health care employer and who
 12 provides health care services in the course of employment.

13 (c) "Health care employer" means an employer of health care employees.

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15 **Section 2.** Section 50-16-805, MCA, is amended to read:

16 **"50-16-805. Disclosure of information allowed for certain purposes.** (1) To the extent provided in
 17 39-71-604 and 50-16-527, a signed claim for workers' compensation or occupational disease benefits
 18 authorizes disclosure to the workers' compensation insurer, as defined in 39-71-116, by the health care
 19 provider.

20 (2) A health care provider may disclose health care information about an individual for law
 21 enforcement purposes if the disclosure is to:

22 (a) federal, state, or local law enforcement authorities to the extent required by law; or

23 (b) a law enforcement officer about the general physical condition of a patient being treated in a
 24 health care facility if the patient was injured by the possible criminal act of another.

25 (3) A health care provider may disclose health care information to a fetal, infant, child, and
 26 maternal mortality review team for the purposes of 50-19-402.

27 (4) A health care employer may disclose information contained in written reports pursuant to
 28 [section 1] to the department of labor and industry for data collection and reporting purposes."

