

1 SENATE BILL NO. 241
2 INTRODUCED BY J. SMALL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING LAWS RELATED TO VIOLENCE AGAINST HEALTH
5 CARE WORKERS AND WORKERS EMPLOYED BY HEALTH CARE PROVIDERS; REQUIRING
6 REPORTING OF VIOLENCE AGAINST A HEALTH CARE WORKER; PROVIDING FOR A REPORT OF
7 VIOLENCE AGAINST HEALTH CARE WORKERS; AND PROVIDING DEFINITIONS."

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

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11 NEW SECTION. **Section 1. Mandatory reporting of violence against health care employee.** (1) If
12 a health care employee suffers an act of violence while on duty, the health care employer shall ensure that the
13 health care employee and any employees who witnessed the act of violence provide oral reports to the health
14 care employer. The oral reports must be made by the fastest possible means and not later than 24 hours after
15 the assault.

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

18 (3) After the health care employer receives an oral report under [section 1], the health care
19 employer shall produce a written report that includes the following:

20 (a) the phone number, address, and contact person for the health care employer;

21 (b) the job title, name, phone number, and address of the health care employee who suffered the
22 act of violence;

23 (c) the name, phone number, and address of the person who committed the act of violence, if
24 known; and

25 (d) a detailed description of the act of violence, noting the date and time the oral report was made.

26 (4) A workers' compensation claim must be filed on all reported incidents of force that cause injury
27 to another person.

28 (5) The health care employer shall retain a copy of the written report for 5 years and provide

1 copies of the reports quarterly or on request by the department.

2 (6) The department shall compile an annual report on workplace violence in health care and
3 publish the report to its website annually.

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

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

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

9 (c) "Health care employer" means an employer or other entity who employs health care employees
10 directly, contractually, or otherwise.

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

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