

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2696  
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Health & Human Services  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Healthcare professions consistently are ranked among the most dangerous occupations in regard to risk of workplace assault. The United States Centers for Disease Control and Prevention (CDC) estimates that over the last decade, healthcare workers have accounted for approximately two-thirds of the non-fatal workplace violence injuries involving days away from work. This equates to being five times greater than the overall workforce. What's more, the CDC recognizes that nurses and aides who have the most direct contact with patients are at higher risk of experiencing violence in a hospital setting. This risk not only threatens a nurse's person, but it also poses a threat to patients by complicating the delivery of treatment.

H.B. 2696 amends the Health and Safety Code to require the Texas Center for Nursing Workforce Studies in the Health Provisions Resource Center at the Department of State Health Services (DSHS) to conduct a study and publish results on workplace violence against nurses in certain facilities. What's more, the bill establishes a new grant program to fund innovative approaches to reducing physical and verbal workplace violence against nurses. H.B. 2696 also authorizes a transfer of funds from the Texas Board of Nursing to DSHS for the study and the grant program.

H.B. 2696 amends current law relating to a grant program for and a study on reducing workplace violence against nurses.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 105.010, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 105.001, Health and Safety Code, by adding Subdivisions (3), (4), (5), and (6) to define "freestanding emergency medical care facility," "home health agency," "hospital," and "nursing facility."

SECTION 2. Amends Chapter 105, Health and Safety Code, by adding Sections 105.009 and 105.010, as follows:

Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES. (a) Requires the nursing resource section established under Section 105.002 (Establishment of Center), to the extent funding is available, to conduct a study on workplace violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. Requires that the nursing resource section, in conducting the study, to:

- (1) distinguish between verbal and physical violence;

(2) determine the practice areas, environments, and settings in which verbal or physical violence is likely to occur;

(3) identify practices that prevent or reduce verbal and physical violence against nurses;

(4) survey nurses regarding the type and frequency of verbal and physical violence the nurses have experienced in the preceding year and throughout the nurses' careers; and

(5) survey hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies regarding the occurrence of verbal and physical violence against nurses and specific strategies implemented to prevent verbal and physical violence, including required reporting of verbal and physical violence, reporting of physical assaults to law enforcement, and implementation of a violence prevention plan and the contents of and personnel covered by the plan.

(b) Authorizes the nursing resource section to contract with an independent researcher to conduct all or part of the study.

(c) Requires the nursing advisory committee established by Section 104.0155 (Nursing Advisory Committee) to serve as the oversight committee for the study.

(d) Requires the nursing resources section, to the extent possible, to cooperate with the Texas Department of Health (TDH) and the Texas Board of Nursing (BON) to conduct the study and coordinate the surveys required by this section with surveys required by other provisions of law.

(e) Requires the nursing resource section to complete the study and publish the study findings not later than December 1, 2016.

(f) Authorizes the nursing resource section to use money transferred to TDH from BON under Section 301.155 (Fees), Occupations Code, to conduct the surveys required by this section.

(g) Provides that this section expires December 31, 2017.

**Sec. 105.010. WORKPLACE VIOLENCE PREVENTION GRANT PROGRAM.** (a) Requires the nursing resource section established under Section 105.002, to the extent funding is available, to administer a grant program to fund innovative approaches to reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies.

(b) Requires the nursing resource section to require a grant recipient to submit periodic reports describing the outcome of the activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses.

(c) Requires the nursing advisory committee established by Section 104.0155 to serve in an advisory capacity for the grant program.

(d) Requires TDH to provide administrative assistance to the nursing resource section in administering the grant program under this section.

(e) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to implement the grant program, including rules governing the submission and approval of grant requests and establishing a reporting procedure for grant recipients.

(f) Authorizes the nursing resource section to use money transferred to TDH from BON under Section 301.155, Occupations Code, to fund the grants authorized by this section.

(g) Requires the nursing resource section, at least annually, to publish a report describing the grants awarded under this section, including the amount of the grant, the purpose of the grant, and the reported outcome of the approach adopted by the grant recipient.

SECTION 3. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement Sections 105.009 and 105.010, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2015.