

Illinois Hospitals to Face Requirements Designed to Reduce Violence Against Nurses

By Neil H. Dishman & J. Casey Leech

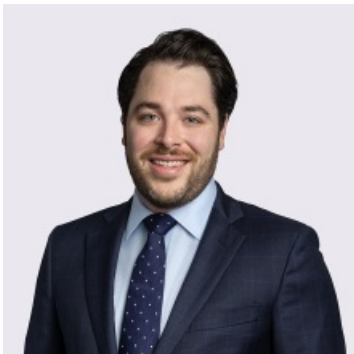
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Meet the Authors



Neil H. Dishman

Principal
(312) 803-2530
Neil.Dishman@jacksonlewis.com



J. Casey Leech

Associate
(312) 803-2521
Casey.Leech@jacksonlewis.com

Related Services

Healthcare
Workplace Safety and Health

The Illinois Health Care Violence Prevention Act mandates hospitals and other healthcare providers to comply with requirements aimed at protecting their workers from violence. Beginning January 1, 2019, healthcare providers in Illinois will need to implement specific violence-prevention policies outlined in the Act (Public Act 100-1051).

The Act imposes certain duties on employers of healthcare workers, including creating workplace violence-prevention programs and providing services to those affected by incidents of violence.

Preventive Duties

Healthcare providers must post a notice stating that verbal aggression will not be tolerated and that physical assault will be reported to law enforcement. Additionally, providers will be required to implement a workplace violence-prevention program that complies with the Occupational Safety and Health Administration (OSHA) guidelines for preventing workplace violence for healthcare and social service workers.

The program also must include:

- The four classifications of workplace violence set forth in the Act;
- Management commitment and worker participation, including nurses;
- Worksite analysis and identification of potential hazards;
- Hazard prevention and control;
- Safety and health training with required hours, to be determined later by rule; and
- Recordkeeping and evaluation of the violence-prevention program.

The Act allows the Department of Public Health to adopt other program requirements in addition to the ones listed above.

Post-Incident Duties

In addition to imposing duties designed to prevent workplace violence in the first place, the Act also creates an array of obligations in the event that violence occurs. For example, when a patient or a patient's visitor causes violence, the healthcare provider is required to offer immediate post-incident services (which include acute treatment and access to psychological evaluation) to any healthcare worker directly involved.

Moreover, management cannot discourage a healthcare worker from contacting law enforcement or filing a police report in response to workplace violence. Should a healthcare worker choose to report an incident of violence to law enforcement, he or she then must notify management within three days.

Finally, specifically referencing the Illinois Whistleblower Act, the Act expands whistleblower protections to employees of healthcare providers who take action with the intent of implementing or enforcing compliance with the Health Care Violence Prevention

Act.

Additional Provisions: Custodial Agencies

Illinois legislators drafted the Act in response to two 2017 incidents involving inmates who, while receiving treatment at hospitals, broke free and held nurses hostage. Therefore, the Act applies not only to healthcare providers, but also to law enforcement and other government agencies that hold people in custody.

The Act requires that these “custodial agencies” abide by certain heightened procedures when taking a person in custody to receive medical treatment, especially when the person poses a significant risk to others. The Act also allows a hospital or medical facility to establish protocols, in collaboration with custodial agencies, for the receipt of persons in custody.

Other States

Illinois joins a growing number of states (including California, Connecticut, Minnesota, New Jersey, and New York) in enacting legislation designed to address workplace violence in the healthcare industry. At the federal level, Congress introduced the Health Care Violence Prevention Act (H.R. 5223) earlier in 2018, but the bill has not moved beyond the Subcommittee on Health.

Next Steps

Until specific rules are promulgated, many of the Act’s terms and requirements remain unclear. Jackson Lewis will continue to monitor updates on the Act as guidance becomes available. In the meantime, Jackson Lewis attorneys are available to answer questions about how your organization can comply with the new legislation.

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