

Workplace Violence in Health Care: Protective Federal Legislation Must Not Be Delayed

Multiple indicators are consonant with the view that workplace violence in health care settings is on the rise. A 2016 report from the Government Accountability Office on “Workplace Safety and Health” concluded that “workers in health care facilities experience substantially higher estimated rates of nonfatal injury due to workplace violence compared to workers overall.”¹ It was the Government Accountability Office conclusion that “additional efforts [are] needed to help protect health care workers from workplace violence.”¹ Similar conclusions were arrived at by a 2020 fact sheet from the Bureau of Labor Statistics of the Department of Labor, which noted that the “incidence rate of for workplace violence to healthcare workers has increased since 2011” and that “healthcare workers accounted for 73% of all nonfatal workplace injuries and illnesses due to violence in 2018.”² It is in response to this reality that the Occupational Safety and Health Administration (OSHA) developed and published violence prevention guidelines for health care workers.³ A workplace violence prevention program also was implemented by the Veterans Health Administration (VHA) with an eye toward promoting “a culture of safety and security for Veterans, patients, visitors, and employees in all VHA workplaces.”⁴ More recently, the Center for Clinical Standards and Quality of the Centers for Medicare & Medicaid Services informed State Survey Agency Directors that it “will continue to enforce the regulatory expectations that patient and staff have an environment that prioritizes their safety to ensure effective delivery of healthcare.”⁵ At the time of this writing, however, these initiatives of the executive branch have yet to be matched by its legislative counterpart. It is the objective of this Commentary to review the Congressional bills intent on protecting health care personnel from workplace violence and discuss the potential impact thereof.

On April 16, 2021, taking note of the increase in workplace violence in the health care industry, the US House of Representatives passed the *Workplace Violence Prevention for Health Care and Social Service Workers Act*. The bill (H.R.1195), sponsored by Rep. Joe Courtney (D-CT-2), now with the Senate Committee on Health, Education, Labor, and Pensions, has yet to come up for a Senate vote. As written, the legislation requires OSHA to issue and finalize an “occupational safety and health standard” that will apply to “employers in the health care sector” who are entrusted with the prevention of workplace violence in the health care industry. A companion Senate bill (S.4182) introduced by Sen. Tammy Baldwin (D-WI) calls on the Department of Labor “to address workplace violence in health care, social service, and other sectors.”

It was not until 2022 that the pace of legislation against health care workplace violence picked up. The first such bills, the *Safe Workplaces Act* (H.R.7540) and *STOP Violence Act of 2022* (H.R.7541), were sponsored by Rep. Joe D. Neguse (D-CO-2) on April 18, 2022. Yet to be voted upon by the House Committees on Education and Labor and the Judiciary, the bills, home to multiple cosponsors, seek to authorize OSHA to “promulgate an occupational safety and health standard on reducing the threat of workplace violence, including firearm violence” as well as “use of certain grant funds for active shooter preparedness and for other purposes.” A similar grant-making bill in both the House (H.R.7814) and the Senate (S.4268), the *Health Care Providers Safety Act of 2022*, was co-sponsored by Rep. Veronica Escobar (D-TX-16) and Sen. Kirsten Gillibrand (D-NY) on May 19, 2022. Yet to be released by the House Energy and Commerce Committee and the Senate Committee on Health, Education, Labor, and Pensions, the bill seeks to authorize the Department of Health and Human Services to “award grants to health care providers for security services and other expenses related to physical security and cybersecurity” of their facilities, personnel, and patients. Another bill of note, *Protecting Social Workers and Health Professionals from Workplace Violence Act* (S.4412/H.R.8492), co-sponsored by Sen. Kyrsten Sinema (D-AZ) and Rep. Julia Brownley (D-CA-26), directs the Department of Health and Human Services to “award grants

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to states, Indian tribes, and tribal organizations for providing safety measures to social workers, health workers, and human services professionals who perform services in high-risk and potentially dangerous situations.”

Perhaps the most promising legislative effort to protect health care personnel from workplace violence is encapsulated in a bipartisan bill co-sponsored by Representatives Madeleine Dean (D-PA-4) and Larry Bucshon, MD (R-IN-8) on June 7, 2022. Known as the *Safety from Violence for Healthcare Employees Act* or the *SAVE Act*, the bill, home to 54 cosponsors, yet to be released by the House Judiciary Committee, is meant “To protect hospital personnel from violence.” To achieve its goal, the bill seeks to establish a new federal “criminal offense for knowingly assaulting or intimidating hospital personnel during the performance of their official duties in a manner that interferes with their performance of the duties or limits their ability to perform the duties.” As such, the *SAVE Act* will see to the statutory protection of hospital employees against assault and intimidation along the lines that aircraft and airport workers currently enjoy under federal law. Violators will be fined, imprisoned (for up to 20 years), or both. Additionally, the bill will authorize the Attorney General to award “grants to reduce the incidence of violence at hospitals, including violence or intimidation against hospital personnel in the performance of their duties.”

There can be little doubt but that existing Federal law is inadequate to address the rising tide of violence against health care workers. It will be up to the 118th Congress to rectify this all-important shortcoming. Cognizant of this reality, a number of leading health care organizations have endorsed one or more of the aforementioned bills. The *SAVE Act*, for its part, was endorsed by the American Hospital Association, the American College of Emergency Physicians, the American Academy of Orthopaedic Surgeons, the Association of American Medical Colleges, and the National Academy of Medicine among others. A recent joint statement by the latter 2 organizations called on “leaders to safeguard health professionals and others in health care settings.”⁶ It is beyond cavil that health care

workers must be afforded sound legal protection against unprovoked violence. Absent such, the current tide of lawlessness is bound to expand with impunity.

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References

1. U.S. Government Accountability Office (GAO). Workplace safety and health: additional efforts needed to help protect health care workers from workplace violence. March 17, 2016. Available at: <https://www.gao.gov/products/gao-16-11>. Accessed January 23, 2022.
2. U.S. Bureau of Labor Statistics. Fact sheet. Workplace violence in healthcare, 2018. April 2020. Available at: <https://www.bls.gov/iif/fact-sheets/workplace-violence-healthcare-2018.htm>. Accessed January 23, 2022.
3. Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. Guidelines for preventing workplace violence for healthcare and social service workers. 2015. Available at: <https://www.osha.gov/sites/default/files/publications/osha3148.pdf>. Accessed January 23, 2022.
4. Department of Veterans Affairs, Veterans Health Administration. VHA Workplace Violence Prevention Program. August 23, 2021. Available at: [file:///C:/Users/Eli/Downloads/1160_08\(1\)_D_2021-08-23.pdf](file:///C:/Users/Eli/Downloads/1160_08(1)_D_2021-08-23.pdf). Accessed January 23, 2022.
5. Department of Health & Human Services, Centers for Medicare & Medicaid Services. Center for Clinical Standards and Quality. Workplace Violence—Hospitals. November 28, 2022. Available at: <https://www.cms.gov/files/document/qso-23-04-hospitals.pdf>. Accessed January 23, 2022.
6. National Academy of Medicine. Joint statement on violence against health care workers. September 30, 2022. Available at: <https://nam.edu/joint-statement-on-violence-against-health-care-workers/>. Accessed January 23, 2022.