

As part of HCA, Inc.'s dedication and commitment to ensuring a safe and caring healthy work environment, we are proud to share with ENA a state survey of all the statutes for workplace violence and criminal laws that address the penalty for assaulting a healthcare worker as of August 6, 2009.

50 State Survey Workplace Violence Laws Protecting Health Care Professionals

STATE	STATUTE	RELEVANT TEXT FROM APPLICABLE STATUTES	STATUS
ALABAMA	N/A	N/A	N/A
ALASKA	N/A	N/A	N/A
ARIZONA	N/A	N/A	N/A
ARKANSAS	ARK. CODE ANN. § 11-5-115	<p>If an employer or an employer's employee or invitee has suffered unlawful violence, a terrorist act, rape, battery, domestic violence or assault, or a crime of violence; received a threat of violence which may be reasonably construed as a threat which may be carried out at the work site; or been stalked or harassed at the work site:</p> <p>Proof of the evidence of any action described above shall constitute irreparable harm or damage to the employer or employer's employee or invitee for purposes of granting of a restraining order, preliminary injunction, or injunction,</p>	Effective
CALIFORNIA	CAL HEALTH & SAFETY CODE § 1257.7	<p>All hospitals shall conduct a security and safety assessment and, using the assessment, develop a security plan with measures to protect against violent behavior.</p> <p>Any act of assault or battery that results in injury or involves the use of a firearm or other dangerous weapon, against any on-duty hospital personnel shall be reported to the local law enforcement agency within 72 hours of the incident.</p> <p>No health facility or employee of a health facility who reports a known or suspected instance of assault or battery pursuant to this</p>	Effective

		<p>section shall be civilly or criminally liable for any report required by this section. No health facility or employee of a health facility who reports a known or suspected instance of assault or battery that is authorized, but not required, by this section, shall be civilly or criminally liable for the report authorized by this section unless it can be proven that a false report was made and the health facility or its employee knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any health facility or employee of a health facility who makes a report known to be false or with reckless disregard of the truth or falsity of the report shall be liable for any damages caused. Any individual knowingly interfering with or obstructing the lawful reporting process shall be guilty of a misdemeanor.</p>	
COLORADO	N/A	N/A	N/A
CONNECTICUT PENDING LEGISLATION	H.B. 6188	Concerns state employees and violence and bullying in the workplace; codifies the existing policies and procedures for state employees for handling violence in the workplace and add language concerning abusive conduct in the workplace.	Pending
DELAWARE	N/A	N/A	N/A
FLORIDA	N/A	N/A	N/A
GEORGIA	N/A	N/A	N/A
HAWAII	N/A	N/A	N/A
IDAHO	N/A	N/A	N/A
ILLINOIS	405 ILCS §§ 90/1 90/5 90/10 90/15 90/20 90/25 90/30 90/40	<p>Every health care workplace must adopt and implement a plan to reasonably prevent and protect employees from violence at that setting.</p> <p>A health care workplace must provide violence prevention training to all its affected employees as determined by the plan.</p> <p>Every health care workplace must keep a record of any violent act against an employee, a patient, or a visitor occurring at the workplace.</p>	Effective

INDIANA	IND. CODE ANN. § 34-26-6-6	<p>Workplace Violence Restraining Orders:</p> <p>An employer may seek a temporary restraining order or injunction on behalf of an employee to prohibit further violence or threats of violence by a person if:</p> <p>(1) the employee has suffered unlawful violence or a credible threat of violence from the person; and</p> <p>(2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be construed to be carried out at the employee's place of work by the person.</p>	Effective
IOWA	N/A	N/A	N/A
KANSAS	N/A	N/A	N/A
KENTUCKY	N/A	N/A	N/A
LOUISIANA	N/A	N/A	N/A
MAINE	ME.REV.STAT. TIT 26 § 850	<p>1. REQUIRED LEAVE. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:</p> <p>A. Prepare for and attend court proceedings;</p> <p>B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or</p> <p>C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.</p> <p>The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.</p> <p>Rules Governing Employment Leave for</p>	Effective

	ME. CODE RULE 12-170-010	Victims of Violence: Employers are required to provide employment leave for victims of violence, assault, domestic violence, sexual assault, or stalking.	
MARYLAND	N/A	N/A	N/A
MASSACHUSETTS PENDING LEGISLATION	S.B. 988	An Act requiring health care employers to develop and implement programs to prevent workplace violence	Pending
MICHIGAN	N/A	N/A	N/A
MINNESOTA	N/A	N/A	N/A
MISSISSIPPI	N/A	N/A	N/A
MISSOURI	N/A	N/A	N/A
MONTANA	N/A	N/A	N/A
NEBRASKA	N/A	N/A	N/A
NEVADA	N/A	N/A	N/A
NEW HAMPSHIRE	N/A	N/A	N/A
NEW MEXICO	N/A	N/A	N/A
NEW JERSEY	N.J. STAT. § 26:2H-5.17 THROUGH 26:2H-5.23	<p>New Jersey has enacted the Violence Prevention in Health Care Facilities Act</p> <p>A covered health care facility shall establish a violence prevention program for the purpose of protecting health care workers.</p> <p>The covered health care facility shall annually conduct violence prevention training.</p> <p>The covered health care facility shall have personnel sufficiently trained to identify aggressive and violent predicting factors and the ability to appropriately respond to and manage violent disturbances.</p> <p>The covered health care facility shall keep a record of all violent acts against employees while at work. The records shall be maintained for at least five years following the reported act.</p> <p>The covered health care facility shall establish</p>	Effective

		a post-incident response system	
NEW YORK PENDING LEGISLATION	A.B. 391	An Act to amend the labor law, in relation to requiring public employers to develop and implement programs to prevent workplace violence.	Pending
NORTH CAROLINA	N.C. GEN. STAT. § 95-261	An action for a civil no-contact order may be filed as a civil action in district court by an employer on behalf of an employee who has suffered unlawful conduct from any individual that can reasonably be construed to be carried out, or to have been carried out, at the employee's workplace.	Effective
NORTH DAKOTA	N/A	N/A	N/A
OHIO	N/A	N/A	N/A
OKLAHOMA	N/A	N/A	N/A
OREGON	OR.REV. STAT. §§ 654.412, 654.414, 654.416, 654.418, 654.421, 654.423 OR. ADMIN. RULE 437-	(1) A health care employer shall: (a) Conduct periodic security and safety assessments to identify existing or potential hazards for assaults committed against employees; (b) Develop and implement an assault prevention and protection program for employees based on assessments conducted under paragraph (a) of this subsection; and (c) Provide assault prevention and protection training on a regular and ongoing basis for employees. *** If a health care employer directs an employee who has been assaulted by a patient on the premises of the health care employer to provide further treatment to the patient, the employee may request that a second employee accompany the employee when treating the patient. If the health care employer declines the employee's request, the health care employer may not require the employee to treat the patient. *** Health care assault recordkeeping and reporting: In addition to existing general recordkeeping requirements in OAR 437-001-	

	001-0706	0700, Recordkeeping and Reporting, health care employers must use the Health Care Assault Log, or equivalent, to record assaults.	
PENNSYLVANIA	N/A	N/A	N/A
RHODE ISLAND	R.I. GEN. LAWS § 28-52-2	<p>The Rhode Island Workplace Violence Prevention Act:</p> <p>If an employer, or an employer's employee(s) or invitee(s) have: (1) suffered unlawful violence by an individual; or (2) received a threat of violence by an individual which can reasonably be construed as a threat which may be carried out at the worksite; or (3) been stalked or harassed at the worksite; the employer may (in addition to, or instead of, filing criminal charges against the individual) seek a temporary restraining order, a preliminary injunction, and an injunction pursuant to Rule 65 of the Superior Court Rules of Civil Procedure, prohibiting further unlawful acts by that individual at the worksite, which shall include any place at which work is being performed on behalf of the employer.</p>	Effective
SOUTH CAROLINA	N/A	N/A	N/A
SOUTH DAKOTA	N/A	N/A	N/A
TENNESSEE	TENN. CODE ANN. § 20-14-102	<p>Any employer whose employee has suffered unlawful violence or a credible threat of violence from any individual, which can reasonably be construed to have been carried out at the employee's workplace, may seek a temporary restraining order and an injunction on behalf of the employer prohibiting further unlawful violence or threats of violence by that individual at the employee's workplace or while the employee is acting within the course and scope of employment with the employer. Nothing in this chapter shall be construed as authorizing a court to issue a temporary restraining order or injunction prohibiting speech or other activities that are protected by the Constitution of Tennessee or the United States.</p>	Effective

TEXAS	N/A	N/A	N/A
UTAH	N/A	N/A	N/A
VERMONT	N/A	N/A	N/A
VIRGINIA	N/A	N/A	N/A
WASHINGTON	REV. CODE WASH. (ARCW) §§ 49.19.005 49.19.010 49.19.020 49.19.030 49.19.040 49.19.050 49.19.060 49.19.070	Each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence at the setting. Each health care setting shall provide violence prevention training to all its affected employees as determined by the plan and within 90 days of hiring. Each health care setting shall keep a record of any violent act against an employee, patient, or visitor.	Effective
WEST VIRGINIA	N/A	N/A	N/A
WISCONSIN	N/A	N/A	N/A
WYOMING	N/A	N/A	N/A