

SB 29 - AS INTRODUCED

2025 SESSION

25-0188

05/08

SENATE BILL **29**

AN ACT relative to membership, jurisdiction, and reports of the health care workplace safety commission and relative to health care facility reporting requirements under the workplace violence prevention program.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Reardon, Dist 15; Sen. Fenton, Dist 10; Sen. Avar, Dist 12; Sen. Gray, Dist 6; Sen. Ricciardi, Dist 9; Rep. W. MacDonald, Rock. 16; Rep. Palmer, Sull. 2; Rep. B. Sullivan, Sull. 1; Rep. MacKenzie, Hills. 40; Rep. Weber, Ches. 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill adds a representative of Hampstead hospital to the health care workplace safety commission, requires monthly reporting of incidents to the department of labor, repeals an exemption for state operated health care facilities from jurisdiction of the commission, and clarifies that annual reports of the commission are not confidential. The bill is a request of the health care workplace safety commission.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to membership, jurisdiction, and reports of the health care workplace safety commission and relative to health care facility reporting requirements under the workplace violence prevention program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Health Care Workplace Safety Commission; Membership; Hampstead
2 Hospital Added. Amend RSA 151-J:1, II(a) by inserting after subparagraph (2) the following new
3 subparagraph:

4 (2-a) A representative of Hampstead hospital, appointed by the hospital.

5 2 Health Care Workplace Violence Prevention Program; Reporting of Workplace Violence Events
6 to the Department of Labor. Amend RSA 277-C:2, IV and V to read as follows:

7 IV. Each health facility shall prepare and submit to the health care workplace safety
8 commission established in RSA 151-J an annual report containing all workplace violence and hostile
9 words incidents reported to the health facility directed at an employee by a patient, coworker,
10 supervisor, manager, or other individuals who have a personal relationship with a patient. The
11 chair of the health and human services oversight committee, established in RSA 126-A:13, with the
12 advice of the health care workplace safety commission, may recommend updates to New Hampshire
13 statutes or recommend updates to the rules adopted for the implementation of this section.

14 **IV-a.** The commissioner of the department of labor, in consultation with the health care
15 workplace safety commission and the health and human services oversight committee, shall adopt
16 rules pursuant to RSA 541-A deemed necessary for the implementation of this section, including a
17 common reporting form. ***Health facilities shall use the form to report workplace violence or***
18 ***hostile words incidents to the department of labor on a monthly basis.***

19 V.(a) The annual report required under paragraph IV ***and the monthly reports to the***
20 ***department of labor required under paragraph IV-a*** shall include but not be limited to, for
21 each workplace violence or hostile words incident, a description of:

22 (1) The incident, including environmental and patient-specific risk factors present at
23 the time of the incident, as well as the appropriate categorization of the incident as workplace
24 violence and/or hostile words.

25 (2) The date, time, and location of the incident.

26 (3) The nature and extent of injuries to employees.

27 (4) A classification, but not any identifiable personal information, of each
28 perpetrator who committed the violence, including whether the perpetrator was:

29 (A) A patient;

1 (B) An individual who has or is known to have had a personal relationship with
2 a patient;

3 (C) A coworker, supervisor; or manager; or

4 (D) Any other appropriate classification.

5 (5) How the incident was abated, including any incident response and post-incident
6 investigation.

7 (6) If the incident involves a patient, the patient's name or other similar identifier
8 shall not be included in the report, provided that the report may include the patient's diagnosis code
9 and whether or not behavioral health or disability were a factor.

10 (7) The percentage of employees that have participated in the workplace violence
11 prevention program in the reporting year immediately preceding the incident. This percentage shall
12 be an annual point in time percentage and is not intended to be a rolling number calculated upon
13 each incident.

14 (b) The report shall preserve the reporting distinction between workplace violence and
15 hostile words incidents. There shall not be any identifiable personal information included in any
16 report unless contained within an attached police report or other official report of a governmental
17 entity. No person or health care facility shall retaliate in any manner against any reporting
18 individual acting in good faith, or otherwise discriminate against, a person, employee, or subordinate
19 who exercises any rights under this section or rules adopted pursuant to this section, or by any
20 policy or procedure promulgated under this section or RSA 151-J, including but not limited to
21 reporting of a workplace violence or hostile words incident or otherwise providing notice to the
22 health facility regarding the occupational health and safety of the employee or their fellow
23 employees exposed to workplace violence or hostile words risk factors. Nothing in this section shall
24 be construed to authorize an employee to refuse to discharge his or her ordinary and customary
25 duties in the workplace.

26 (c) The confidentiality provisions contained within RSA 151-J:5 shall apply to records
27 collected pursuant to this chapter.

28 3 Reports; Confidentiality. Amend RSA 151-J:7 to read as follows:

29 151-J:7 Reports. The commission shall annually report its findings and any recommendations
30 which may include proposed legislation to the speaker of the house of representatives, the senate
31 president, the governor, and the health and human services oversight committee established in RSA
32 126-A:13. Such report shall describe the activities of the commission, indicate the extent of each
33 institution's participation, state the aggregate relative frequency of workplace violence incidents, the
34 nature and extent of injuries, how incidents were responded to, and, to the extent possible, identify
35 strategies for reducing workplace violence incidents. **Annual reports of the commission shall**
36 **not be confidential, but** any information about processes or outcomes [~~provided pursuant to this~~
37 ~~section~~] shall be aggregate data only and shall not reference individual incidents, patients, health

SB 29 - AS INTRODUCED

- Page 3 -

1 care providers, or institutions, *in accordance with the confidentiality requirements of RSA*
2 *151-J:5.*

3 4 Repeal. RSA 151-J:9, relative to the exemption of state operated medical facilities from the
4 jurisdiction of the New Hampshire health care workplace safety commission, is repealed.

5 5 Effective Date. This act shall take effect 60 days after its passage.