

**AMENDMENT TO THE AMENDMENT IN THE NATURE  
OF A SUBSTITUTE TO H.R. 1195  
OFFERED BY MR. WALBERG OF MICHIGAN**

Strike all and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Workplace Violence  
3 Prevention for Health Care and Social Service Workers  
4 Act”.

**5 SEC. 2. TABLE OF CONTENTS.**

6       The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—WORKPLACE VIOLENCE PREVENTION STANDARD

Sec. 101. Final standard.

Sec. 102. Scope and application.

Sec. 103. Requirements for workplace violence prevention standard.

Sec. 104. Rules of construction.

Sec. 105. Other definitions.

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

Sec. 201. Application of the workplace violence prevention standard to certain facilities receiving Medicare funds.

**7 TITLE I—WORKPLACE VIOLENCE  
8 PREVENTION STANDARD**

**9 SEC. 101. FINAL STANDARD.**

10       (a) IN GENERAL.—The Secretary of Labor shall pro-  
11 mulgate a final standard on workplace violence preven-  
12 tion—

1           (1) to require certain employers in the  
2 healthcare and social service sectors, and certain em-  
3 ployers in sectors that conduct activities similar to  
4 the activities in the healthcare and social service sec-  
5 tors, to develop and implement a comprehensive  
6 workplace violence prevention plan to protect health  
7 care workers, social service workers, and other per-  
8 sonnel from workplace violence; and

9           (2) that may be based on the Guidelines for  
10 Preventing Workplace Violence for Healthcare and  
11 Social Service Workers published by the Occupa-  
12 tional Safety and Health Administration of the De-  
13 partment of Labor in 2015 and adhere to the re-  
14 quirements of this title.

15       (b) EFFECTIVE DATE OF STANDARD.—The final  
16 standard shall—

17           (1) take effect on a date that is not later than  
18 60 days after promulgation, except that such final  
19 standard may include a reasonable phase-in period  
20 for the implementation of required engineering con-  
21 trols that take effect after such date; and

22           (2) be enforced in the same manner and to the  
23 same extent as any standard promulgated under sec-  
24 tion 6(b) of the Occupational Safety and Health Act  
25 of 1970 (29 U.S.C. 655(b)).

1 (c) EDUCATIONAL OUTREACH.—

2 (1) DURING RULEMAKING.—During the period  
3 beginning on the date the Secretary commences rule-  
4 making under this section and ending on the effec-  
5 tive date of the final standard promulgated under  
6 this section, the Secretary of Labor shall engage in  
7 an educational campaign for covered employees and  
8 covered employers regarding workplace violence pre-  
9 vention in health care and social service industries  
10 on the materials of the Occupational Safety and  
11 Health Administration on workplace violence preven-  
12 tion for such industries.

13 (2) REQUIREMENTS OF FINAL STANDARD.—Be-  
14 ginning on the date on which the final standard is  
15 promulgated under this section, the Secretary shall  
16 engage in an educational campaign for covered em-  
17 ployees and covered employers on the requirements  
18 of such final standard.

19 **SEC. 102. SCOPE AND APPLICATION.**

20 In this title:

21 (1) COVERED FACILITY.—

22 (A) IN GENERAL.—The term “covered fa-  
23 cility” means a facility with respect to which  
24 the Secretary determines that requirements of  
25 the final standard promulgated under section

1           101(a) would be reasonably necessary or appro-  
2           priate, and which may include the following:

3                   (i) Any hospital, including any spe-  
4                   cialty hospital.

5                   (ii) Any residential treatment facility,  
6                   including any nursing home, skilled nurs-  
7                   ing facility, hospice facility, and long-term  
8                   care facility.

9                   (iii) Any medical treatment or social  
10                  service setting or clinic at a correctional or  
11                  detention facility.

12                  (iv) Any community-based residential  
13                  facility, group home, and mental health  
14                  clinic.

15                  (v) Any psychiatric treatment facility.

16                  (vi) Any drug abuse or substance use  
17                  disorder treatment center.

18                  (vii) Any independent freestanding  
19                  emergency centers.

20                  (viii) Any facility described in sub-  
21                  paragraphs (A) through (G) operated by a  
22                  Federal Government agency and required  
23                  to comply with occupational safety and  
24                  health standards pursuant to section 1960  
25                  of title 29, Code of Federal Regulations

1 (as such section is in effect on the date of  
2 enactment of this Act).

3 (B) EXCLUSION.—The term “covered facil-  
4 ity” does not include an office of a physician,  
5 dentist, podiatrist, or any other health practi-  
6 tioner that is not physically located within a  
7 covered facility described in subparagraphs (A)  
8 through (H) of paragraph (1).

9 (2) COVERED SERVICES.—The term “covered  
10 service”—

11 (A) includes—

12 (i) any services and operations pro-  
13 vided in home health care, home-based hos-  
14 pice, and home-based social work;

15 (ii) any emergency medical services  
16 and transport, including such services  
17 when provided by firefighters and emer-  
18 gency responders;

19 (iii) any services described in clauses  
20 (i) and (ii) performed by a Federal Gov-  
21 ernment agency and required to comply  
22 with occupational safety and health stand-  
23 ards pursuant to section 1960 of title 29,  
24 Code of Federal Regulations (as such sec-

1                   tion is in effect on the date of enactment  
2                   of this Act); and

3                   (iv) any other services and operations  
4                   the Secretary determines should be covered  
5                   under the standards promulgated under  
6                   section 101; and

7                   (B) does not include child day care serv-  
8                   ices.

9                   (3) COVERED EMPLOYER.—

10                  (A) IN GENERAL.—The term “covered em-  
11                  ployer” includes a person (including a con-  
12                  tractor, subcontractor, or a temporary service  
13                  firm) that employs an individual to work at a  
14                  covered facility or to perform covered services.

15                  (B) EXCLUSION.—The term “covered em-  
16                  ployer” does not include an individual who pri-  
17                  vately employs a person to perform covered  
18                  services for the individual or a friend or family  
19                  member of the individual.

20                  (4) COVERED EMPLOYEE.—The term “covered  
21                  employee” includes an individual employed by a cov-  
22                  ered employer to work at a covered facility or to per-  
23                  form covered services.

1 **SEC. 103. REQUIREMENTS FOR WORKPLACE VIOLENCE**  
2 **PREVENTION STANDARD.**

3 Each standard described in section 101 may include  
4 the following requirements:

5 (1) **WORKPLACE VIOLENCE PREVENTION**  
6 **PLAN.**—Not later than 6 months after the date of  
7 promulgation of the final standard under section  
8 101(a), a covered employer shall develop, implement,  
9 and maintain a written workplace violence preven-  
10 tion plan for covered employees at each covered fa-  
11 cility and for covered employees performing a cov-  
12 ered service on behalf of such employer, which meets  
13 the following:

14 (A) **PLAN DEVELOPMENT.**—Each Plan  
15 shall—

16 (i) subject to subparagraph (D), be  
17 developed and implemented with the mean-  
18 ingful participation of direct care employ-  
19 ees and, where applicable, employee rep-  
20 resentatives, for all aspects of the Plan;

21 (ii) be applicable to conditions and  
22 hazards for the covered facility or the cov-  
23 ered service, including patient-specific risk  
24 factors and risk factors specific to each  
25 work area or unit; and

1 (iii) be suitable for the size, com-  
2 plexity, and type of operations at the cov-  
3 ered facility or for the covered service, and  
4 remain in effect at all times.

5 (B) PLAN CONTENT.—Each Plan shall in-  
6 clude procedures and methods for the following:

7 (i) Identification of each individual or  
8 the job title of each individual responsible  
9 for implementation of the Plan.

10 (ii) With respect to each work area  
11 and unit at the covered facility or while  
12 covered employees are performing the cov-  
13 ered service, risk assessment and identi-  
14 fication of workplace violence risks and  
15 hazards to employees exposed to such risks  
16 and hazards (including environmental risk  
17 factors and patient-specific risk factors),  
18 which may be—

19 (I) informed by past violent inci-  
20 dents specific to such covered facility  
21 or such covered service; and

22 (II) conducted with—

23 (aa) representative direct  
24 care employees;



1 (bb) where applicable, the  
2 representatives of such employ-  
3 ees; and

4 (cc) the employer.

5 (iii) Hazard prevention, engineering  
6 controls, or work practice controls to cor-  
7 rect, in a timely manner, hazards that the  
8 employer creates or controls which—

9 (I) may include security and  
10 alarm systems, adequate exit routes,  
11 monitoring systems, barrier protec-  
12 tion, established areas for patients  
13 and clients, lighting, entry procedures,  
14 staffing and working in teams, and  
15 systems to identify and flag clients  
16 with a history of violence; and

17 (II) shall ensure that employers  
18 correct, in a timely manner, hazards  
19 identified in the annual report de-  
20 scribed in paragraph (5) that the em-  
21 ployer creates or controls.

22 (iv) Reporting, incident response, and  
23 post-incident investigation procedures, in-  
24 cluding procedures—

1 (I) for employees to report to the  
2 employer workplace violence risks,  
3 hazards, and incidents;

4 (II) for employers to respond to  
5 reports of workplace violence;

6 (III) for employers to perform a  
7 post-incident investigation and de-  
8 briefing of all reports of workplace vi-  
9 olence with the participation of em-  
10 ployees and their representatives; and

11 (IV) to provide medical care or  
12 first aid to affected employees.

13 (v) Procedures for emergency re-  
14 sponse, including procedures for threats of  
15 mass casualties and procedures for inci-  
16 dents involving a firearm or a dangerous  
17 weapon.

18 (vi) Procedures for communicating  
19 with and educating of covered employees  
20 on workplace violence hazards, threats, and  
21 work practice controls, the employer's plan,  
22 and procedures for confronting, responding  
23 to, and reporting workplace violence  
24 threats, incidents, and concerns, and em-  
25 ployee rights.

1 (vii) Procedures for ensuring the co-  
2 ordination of risk assessment efforts, Plan  
3 development, and implementation of the  
4 Plan with other employers who have em-  
5 ployees who work at the covered facility or  
6 who are performing the covered service.

7 (viii) Procedures for conducting the  
8 annual evaluation under paragraph (6).

9 (C) AVAILABILITY OF PLAN.—Each Plan  
10 shall be made available at all times to the cov-  
11 ered employees who are covered under such  
12 Plan.

13 (D) CLARIFICATION.—The requirement  
14 under subparagraph (A)(i) shall not be con-  
15 strued to require that all direct care employees  
16 and employee representatives participate in the  
17 development and implementation of the Plan.

18 (2) VIOLENT INCIDENT INVESTIGATION.—

19 (A) IN GENERAL.—As soon as practicable  
20 after a workplace violence incident, of which a  
21 covered employer has knowledge, the employer  
22 shall conduct an investigation of such incident,  
23 under which the employer shall—

24 (i) review the circumstances of the in-  
25 cident and whether any controls or meas-

1                   ures implemented pursuant to the Plan of  
2                   the employer were effective; and

3                   (ii) solicit input from involved employ-  
4                   ees, their representatives, and supervisors,  
5                   about the cause of the incident, and wheth-  
6                   er further corrective measures (including  
7                   system-level factors) could have prevented  
8                   the incident, risk, or hazard.

9                   (B) DOCUMENTATION.—A covered em-  
10                  ployer shall document the findings, rec-  
11                  ommendations, and corrective measures taken  
12                  for each investigation conducted under this  
13                  paragraph.

14                 (3) EDUCATION.—With respect to the covered  
15                 employees covered under a Plan of a covered em-  
16                 ployer, the employer shall provide education to such  
17                 employees who may be exposed to workplace violence  
18                 hazards and risks, which meet the following require-  
19                 ments:

20                         (A) Annual education includes information  
21                         on the Plan, including identified workplace vio-  
22                         lence hazards, work practice control measures,  
23                         reporting procedures, record keeping require-  
24                         ments, response procedures, and employee  
25                         rights.

1 (B) Additional hazard recognition edu-  
2 cation for supervisors and managers to ensure  
3 they can recognize high-risk situations and do  
4 not assign employees to situations that predict-  
5 ably compromise their safety.

6 (C) Additional education for each such cov-  
7 ered employee whose job circumstances has  
8 changed, within a reasonable timeframe after  
9 such change.

10 (D) Applicable new employee education  
11 prior to employee's job assignment.

12 (E) All education provides such employees  
13 opportunities to ask questions, give feedback on  
14 such education, and request additional instruc-  
15 tion, clarification, or other followup.

16 (F) All education is provided in-person or  
17 online and by an individual with knowledge of  
18 workplace violence prevention and of the Plan.

19 (G) All education is appropriate in content  
20 and vocabulary to the language, educational  
21 level, and literacy of such covered employees.

22 (4) RECORDKEEPING AND ACCESS TO PLAN  
23 RECORDS.—

24 (A) IN GENERAL.—Each covered employer  
25 shall—

1 (i) maintain at all times records re-  
2 lated to each Plan of the employer, includ-  
3 ing workplace violence risk and hazard as-  
4 sessments, and identification, evaluation,  
5 correction, and education procedures;

6 (ii) maintain for a minimum of 5  
7 years—

8 (I) a violent incident log de-  
9 scribed in subparagraph (B) for re-  
10 cording all workplace violence inci-  
11 dents; and

12 (II) records of all incident inves-  
13 tigations as required under paragraph  
14 (2)(B); and

15 (iii) make such records and logs avail-  
16 able, upon request, to covered employees  
17 and their representatives for examination  
18 and copying in accordance with section  
19 1910.1020 of title 29, Code of Federal  
20 Regulations (as such section is in effect on  
21 the date of enactment of this Act), and in  
22 a manner consistent with HIPAA privacy  
23 regulations (defined in section 1180(b)(3)  
24 of the Social Security Act (42 U.S.C.  
25 1320d-9(b)(3))) and part 2 of title 42,

1 Code of Federal Regulations (as such part  
2 is in effect on the date of enactment of this  
3 part), and ensure that any such records  
4 and logs removed from the employer's con-  
5 trol for purposes of this clause omit any  
6 element of personal identifying information  
7 sufficient to allow identification of any pa-  
8 tient, resident, client, or other individual  
9 alleged to have committed a violent inci-  
10 dent (including the person's name, ad-  
11 dress, electronic mail address, telephone  
12 number, or social security number, or  
13 other information that, alone or in com-  
14 bination with other publicly available infor-  
15 mation, reveals such person's identity).

16 (B) VIOLENT INCIDENT LOG DESCRIP-  
17 TION.—Each violent incident log—

18 (i) shall be maintained by a covered  
19 employer for each covered facility con-  
20 trolled by the employer and for each cov-  
21 ered service being performed by a covered  
22 employee on behalf of such employer;

23 (ii) may be based on a template devel-  
24 oped by the Secretary not later than 1 year

1 after the date of promulgation of the  
2 standards under section 101(a);

3 (iii) may include a description of—

4 (I) the violent incident (including  
5 environmental risk factors present at  
6 the time of the incident);

7 (II) the date, time, and location  
8 of the incident, names and job titles  
9 of involved employees;

10 (III) the nature and extent of in-  
11 juries to covered employees;

12 (IV) a classification of the pepe-  
13 trator who committed the violence, in-  
14 cluding whether the perpetrator was—

15 (aa) a patient, client, resi-  
16 dent, or customer of a covered  
17 employer;

18 (bb) a family or friend of a  
19 patient, client, resident, or cus-  
20 tomer of a covered employer;

21 (cc) a stranger;

22 (dd) a coworker, supervisor,  
23 or manager of a covered em-  
24 ployee;



1 (ee) a partner, spouse, par-  
2 ent, or relative of a covered em-  
3 ployee; or

4 (ff) any other appropriate  
5 classification;

6 (V) the type of violent incident  
7 (such as type 1 violence, type 2 vio-  
8 lence, type 3 violence, or type 4 vio-  
9 lence); and

10 (VI) how the incident was ad-  
11 dressed;

12 (iv) not later than 7 days, depending  
13 on the availability or condition of the wit-  
14 ness, after the employer learns of such in-  
15 cident, shall contain a record of each vio-  
16 lent incident, which is updated to ensure  
17 completeness of such record;

18 (v) shall be maintained for not less  
19 than 5 years; and

20 (vi) in the case of a violent incident  
21 involving a privacy concern case as defined  
22 in section 1904.29(b)(7) of title 29, Code  
23 of Federal Regulations (as such section is  
24 in effect on the date of enactment of this  
25 Act), shall protect the identity of employ-

1           ees in a manner consistent with that sec-  
2           tion.

3           (C) ANNUAL SUMMARY.—Each covered  
4           employer shall prepare an annual summary of  
5           each violent incident log for the preceding cal-  
6           endar year that shall—

7                   (i) with respect to each covered facil-  
8                   ity, and each covered service, for which  
9                   such a log has been maintained, include  
10                  the total number of violent incidents, the  
11                  number of recordable injuries related to  
12                  such incidents, and the total number of  
13                  hours worked by the covered employees for  
14                  such preceding year;

15                  (ii) be completed on a form provided  
16                  by the Secretary;

17                  (iii) be posted for three months begin-  
18                  ning February 1 of each year in a manner  
19                  consistent with the requirements of section  
20                  1904 of title 29, Code of Federal Regula-  
21                  tions (as such section is in effect on the  
22                  date of enactment of this Act), relating to  
23                  the posting of summaries of injury and ill-  
24                  ness logs;

1 (iv) be located in a conspicuous place  
2 or places where notices to employees are  
3 customarily posted; and

4 (v) not be altered, defaced, or covered  
5 by other material by the employer.

6 (5) ANNUAL EVALUATION.—Each covered em-  
7 ployer shall conduct an annual written evaluation,  
8 conducted with the full, active participation of cov-  
9 ered employees and employee representatives, of—

10 (A) the implementation and effectiveness  
11 of the Plan, including a review of the violent in-  
12 cident log; and

13 (B) compliance with education required by  
14 each standard described in section 101, and  
15 specified in the Plan.

16 (6) ANTI-RETALIATION.—

17 (A) POLICY.—Each covered employer shall  
18 adopt a policy prohibiting any person (including  
19 an agent of the employer) from discriminating  
20 or retaliating against any employee for report-  
21 ing, or seeking assistance or intervention from,  
22 a workplace violence incident, threat, or concern  
23 to the employer, law enforcement, local emer-  
24 gency services, or a government agency, or par-  
25 ticipating in an incident investigation.

1 (B) ENFORCEMENT.—Each violation of the  
2 policy shall be enforced in the same manner and  
3 to the same extent as a violation of section  
4 11(c) of the Occupational Safety and Health  
5 Act (29 U.S.C. 660(c)) is enforced.

6 **SEC. 104. RULES OF CONSTRUCTION.**

7 Notwithstanding section 18 of the Occupational Safe-  
8 ty and Health Act of 1970 (29 U.S.C. 667)—

9 (1) nothing in this title shall be construed to  
10 curtail or limit authority of the Secretary under any  
11 other provision of the law;

12 (2) the rights, privileges, or remedies of covered  
13 employees shall be in addition to the rights, privi-  
14 leges, or remedies provided under any Federal or  
15 State law, or any collective bargaining agreement;  
16 and

17 (3) nothing in this Act shall be construed to  
18 limit or prevent health care workers, social service  
19 workers, or other personnel from reporting violent  
20 incidents to appropriate law enforcement.

21 **SEC. 105. OTHER DEFINITIONS.**

22 In this title:

23 (1) WORKPLACE VIOLENCE.—

24 (A) IN GENERAL.—The term “workplace  
25 violence” means any act of violence or threat of

1 violence, that occurs at a covered facility or  
2 while a covered employee performs a covered  
3 service.

4 (B) EXCLUSIONS.—The term “workplace  
5 violence” does not include lawful acts of self-de-  
6 fense or lawful acts of defense of others.

7 (C) INCLUSIONS.—The term “workplace  
8 violence” includes an incident involving the  
9 threat or use of a firearm or a dangerous weap-  
10 on, including the use of common objects as  
11 weapons, without regard to whether the em-  
12 ployee sustains an injury.

13 (2) TYPE 1 VIOLENCE.—The term “type 1 vio-  
14 lence”—

15 (A) means workplace violence directed at a  
16 covered employee at a covered facility or while  
17 performing a covered service by an individual  
18 who has no legitimate business at the covered  
19 facility or with respect to such covered service;  
20 and

21 (B) includes violent acts by any individual  
22 who enters the covered facility or worksite  
23 where a covered service is being performed with  
24 the intent to commit a crime.

1           (3) TYPE 2 VIOLENCE.—The term “type 2 vio-  
2           lence” means workplace violence directed at a cov-  
3           ered employee by customers, clients, patients, stu-  
4           dents, inmates, or any individual for whom a covered  
5           facility provides services or for whom the employee  
6           performs covered services.

7           (4) TYPE 3 VIOLENCE.—The term “type 3 vio-  
8           lence” means workplace violence directed at a cov-  
9           ered employee by a present or former employee, su-  
10          pervisor, or manager.

11          (5) TYPE 4 VIOLENCE.—The term “type 4 vio-  
12          lence” means workplace violence directed at a cov-  
13          ered employee by an individual who is not an em-  
14          ployee, but has or is known to have had a personal  
15          relationship with such employee.

16          (6) ALARM.—The term “alarm” means a me-  
17          chanical, electrical, or electronic device that can alert  
18          others but does not rely upon an employee’s vocal-  
19          ization in order to alert others.

20          (7) ENGINEERING CONTROLS.—

21                 (A) IN GENERAL.—The term “engineering  
22                 controls” means an aspect of the built space or  
23                 a device that removes or minimizes a hazard  
24                 from the workplace or creates a barrier between  
25                 a covered employee and the hazard.

1 (B) INCLUSIONS.—For purposes of reduc-  
2 ing workplace violence hazards, the term “engi-  
3 neering controls” includes electronic access con-  
4 trols to employee occupied areas, weapon detec-  
5 tors (installed or handheld), enclosed work-  
6 stations with shatter-resistant glass, deep serv-  
7 ice counters, separate rooms or areas for high-  
8 risk patients, locks on doors, removing access to  
9 or securing items that could be used as weap-  
10 ons, furniture affixed to the floor, opaque glass  
11 in patient rooms (which protects privacy, but  
12 allows the health care provider to see where the  
13 patient is before entering the room), closed-cir-  
14 cuit television monitoring and video recording,  
15 sight-aids, and personal alarm devices.

16 (8) ENVIRONMENTAL RISK FACTORS.—

17 (A) IN GENERAL.—The term “environ-  
18 mental risk factors” means factors in the cov-  
19 ered facility or area in which a covered service  
20 is performed that may contribute to the likeli-  
21 hood or severity of a workplace violence inci-  
22 dent.

23 (B) CLARIFICATION.—Environmental risk  
24 factors may be associated with the specific task  
25 being performed or the work area, such as

1 working in an isolated area, poor illumination  
2 or blocked visibility, and lack of physical bar-  
3 riers between individuals and persons at risk of  
4 committing workplace violence.

5 (9) PATIENT-SPECIFIC RISK FACTORS.—The  
6 term “patient-specific risk factors” means factors  
7 specific to a patient that may increase the likelihood  
8 or severity of a workplace violence incident, includ-  
9 ing—

10 (A) a patient’s psychiatric condition, treat-  
11 ment and medication status, history of violence,  
12 and known or recorded use of drugs or alcohol;  
13 and

14 (B) any conditions or disease processes of  
15 the patient that may cause the patient to expe-  
16 rience confusion or disorientation, to be non-re-  
17 sponsive to instruction, or to behave unpredict-  
18 ably.

19 (10) SECRETARY.—The term “Secretary”  
20 means the Secretary of Labor.

21 (11) WORK PRACTICE CONTROLS.—

22 (A) IN GENERAL.—The term “work prac-  
23 tice controls” means procedures and rules that  
24 are used to effectively reduce workplace violence  
25 hazards.



1 (B) INCLUSIONS.—The term “work prac-  
2 tice controls” includes assigning and placing  
3 sufficient numbers of staff to reduce patient-  
4 specific Type 2 workplace violence hazards, pro-  
5 vision of dedicated and available safety per-  
6 sonnel such as security guards, employee train-  
7 ing on workplace violence prevention method  
8 and techniques to de-escalate and minimize vio-  
9 lent behavior, and employee education on proce-  
10 dures for response in the event of a workplace  
11 violence incident and for post-incident response.

12 **TITLE II—AMENDMENTS TO THE**  
13 **SOCIAL SECURITY ACT**

14 **SEC. 201. APPLICATION OF THE WORKPLACE VIOLENCE**  
15 **PREVENTION STANDARD TO CERTAIN FACILI-**  
16 **TIES RECEIVING MEDICARE FUNDS.**

17 (a) IN GENERAL.—Section 1866 of the Social Secu-  
18 rity Act (42 U.S.C. 1395ee) is amended—

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (X), by striking  
21 “and” at the end;

22 (B) in subparagraph (Y), by striking at  
23 the end the period and inserting “; and”; and

24 (C) by inserting after subparagraph (Y)  
25 the following new subparagraph:

1           “(Z) in the case of hospitals that are not other-  
2           wise subject to the Occupational Safety and Health  
3           Act of 1970 (or a State occupational safety and  
4           health plan that is approved under 18(b) of such  
5           Act) and skilled nursing facilities that are not other-  
6           wise subject to such Act (or such a State occupa-  
7           tional safety and health plan), to comply with the  
8           Workplace Violence Prevention Standard (as pro-  
9           mulgated under section 101 of the Workplace Vio-  
10          lence Prevention for Health Care and Social Service  
11          Workers Act).”;

12           (2) in subsection (b)(4)—

13           (A) in subparagraph (A), by inserting  
14           “and a hospital or skilled nursing facility that  
15           fails to comply with the requirement of sub-  
16           section (a)(1)(Z) (relating to the Workplace Vi-  
17           olence Prevention Standard)” after “Blood-  
18           borne Pathogens Standard”;

19           (B) in subparagraph (B)—

20           (i) by striking “(a)(1)(U)” and insert-  
21           ing “(a)(1)(V)”;

22           (ii) by inserting “(or, in the case of a  
23           failure to comply with the requirement of  
24           subsection (a)(1)(Z), for a violation of the  
25           Workplace Violence Prevention standard

1                   referred to in such subsection by a hospital  
2                   or skilled nursing facility, as applicable,  
3                   that is subject to the provisions of such  
4                   Act)” before the period at the end.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
6 subsection (a) shall apply beginning on the date that is  
7 1 year after the date of issuance of the final standard on  
8 workplace violence prevention required under section 101.

