

Workplace Violence

Healthcare law update and policy

WSHSC, February 28, 2020



Background

Jason Fodeman



Incidence

- Between 2011 and 2013, work place violence caused 15,000-20,000 serious injuries in health care workers yearly (require time away from work)
 - Almost as many as in all other private industries combined
- In this same period, assaults accounted for:
 - 10-11% of serious workplace injuries in health care
 - 3% of serious workplace injuries in the private sector
- From 2002 to 2013 episodes of serious workplace violence in health care and social assistance were on average four times more likely than in private industry

Incidence

- Widespread underreporting. Reporting rate for
 - Nurses 30%
 - Physicians 26%

Incidence

- Violence against health care workers can happen in any setting
 - Psychiatric ward
 - Emergency room
- The most common victims are
 - Nurses
 - Nursing assistants
- Physicians are frequent victims



<https://well.blogs.nytimes.com/2012/08/23/the-widespread-problem-of-doctor-burnout>

NEJM Review

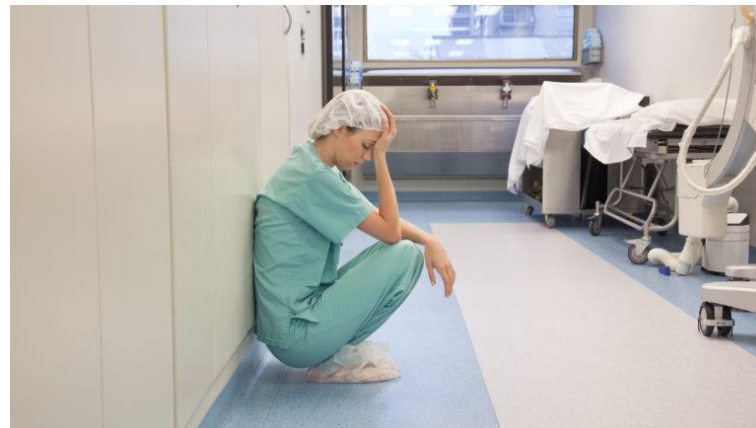
- In 2016 the *New England Journal of Medicine* published a review on violence against health care workers
- Most research has focused on
 - Quantifying it
 - Profiling and predicting perpetrators and victims
 - Few studies on interventions to decrease violence

NEJM Review

- The review highlighted several challenges and limitations in the literature
 - Data inconsistencies
 - Different definitions of “violence”
 - Significant underreporting
 - Difficulty creating experimental models
- Limited research outside of the ER and psychiatric ward
- Literature review **could not find a single peer-reviewed study** assessing the extent of the problem in outpatient medicine

Impact

- Psychological consequences
 - PTSD or PTSD symptoms
 - Depression or depressive symptoms
 - Anxiety
 - Emotional consequences (anger, fear, guilt)
 - Burnout
 - Job dissatisfaction
 - Low morale
 - Diminished productivity
 - Decreased organizational commitment
 - Turnover
 - Leave the profession
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- Nonphysical violence can have a significant impact as well



www.statnews.com/2016/06/29/fighting-physician-burnout

- OSHA, “Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers,” 2016, at <https://www.osha.gov/Publications/osha3148.pdf>
- OSHA, “Caring for our Caregivers,” December 2015, at <https://www.osha.gov/Publications/OSHA3827.pdf>
- OSHA, “Workplace Violence in Health Care,” December 2015, at <https://www.osha.gov/Publications/OSHA3826.pdf>
- Phillips JP. Workplace violence against health care workers in the United States. *N Engl J Med.* 2016;374(17):1661–1669.
- Lanctot N, Guay S. The aftermath of workplace violence among healthcare workers: a systematic literature review of the consequences. *Aggress Violent Behav.* 2014;19:492–501.

Law and Policy Update

John Stebbins



Overview

- Changes in Chapter 49.19 RCW
- Updated policy DD 5.07
- DOSH considerations for enforcement

DOSH role

- The law has been passed by the legislature
- DOSH provided comment on the law, but is not the author
- DOSH is tasked with enforcement of the requirements
- DOSH has not done specific rulemaking and uses existing rules which apply to the hazard

Chapter 49.19 RCW Update

- Definition of “Health Care Setting” (HCS)
 - Updated terminology “Behavioral health programs”
 - Expanded to ambulatory surgical facilities
- This RCW does not cover state institutions operated by DSHS
 - Those institutions are covered by separate legislation
 - Similar requirements, but not updated

Workplace Violence Plan

- Each HCS must have a plan
 - Must work with safety committee
- Update addresses:
 - Security
 - Work patterns, time alone
 - Job design, equipment, and facilities
- Review incidents annually
- Develop and implement every three years (?)

Training

- Within 90 days, except temporary employees (?)
- “Strategies to prevent physical harm with hands-on practice or role play”

Records

- No effective changes
- Reorganized

DOSH Policy Update

- Directive 5.07, updated January 2020
- Added reference to safety committee rule
- Added reference to DD 5.05, WPV in general
- Notes that small employers exempt from safety committee requirements must review safety incidents at safety meetings.

DOSH Policy Update

- States that WISHA rules for training employees apply to temporary employees and references DD 1.15, Dual Employers.

Upcoming Legislation

- SB 6205/HB 2861
- Similar requirements for home care
 - (DSHS jurisdiction)
- May leave a gap for home health workers
 - (DOH jurisdiction)
- DOSH expectation is for all workplaces
 - (DD 5.05)

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