

The Illinois Healthcare Violence Prevention Act

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- Effective date 1/1/19
- Addresses violence in healthcare facilities against healthcare professionals
- Addresses violence in general
- Addresses violence from forensic patients

Section 5

Definitions

- Section 5 - Definitions:
- **Committed person:** person who is in the custody of or under the control of a custodial agency
- **Custodial agency:** the Illinois Department of Corrections, the Illinois State Police, the sheriff of a county, a county jail, a correctional institution, or any other State agency, municipality, or unit of local government that employs personnel designated as police, peace officers, wardens, corrections officers, or guards or that employs personnel vested by law with the power to place or maintain a person in custody.

Definitions:

- **Health Care Worker:** any individual licensed under the laws of this State to provide health services
- **Nurse:** a person who is licensed to practice nursing under the Nurse Practice Act

Definitions:

- **Health Care Provider:** a retail health care facility, a hospital subject to the Hospital Licensing Act or the University of Illinois Hospital Act, or a veterans home as defined in the Department of Veterans' Affairs Act
- **Retail health care facility:** an institution, place or building or any portion thereof that:
 - Is devoted to the maintenance and operation of a facility for the performance of healthcare services and is located within a retail store at a specific location

Definitions:

- **Retail health care facility:** an institution, place or building or any portion thereof that:
 - Does not provide surgical services or any form of anesthesia
 - Does not provide beds or other accommodations for either the long term or overnight stay of patients
 - Discharges individual patients in an ambulatory condition without danger to the continued well being of patients and transfers non-ambulatory to hospitals

Definitions

- **"Retail health care facility"** does not include hospitals, long-term care facilities, ambulatory treatment centers, blood banks, clinical laboratories, offices of physicians, advanced practice registered nurses, podiatrists, and physician assistants, and pharmacies that provide limited health care services.

Section 10

Application

- Section 10 - Application

- This Act applies to health care providers and custodial agencies as defined in Section 5.
- This Act does not apply to an owner of an institution, place, building, or any portion of the institution, place, or building, who directly or indirectly leases space that is used by the lessee to operate a retail health care facility.

Section 15

Workplace Safety

- Section 15 – Workplace Safety
- A health care worker who contacts law enforcement or files a report with law enforcement against a patient or individual because of workplace violence shall provide notice to management of the health care provider by which he or she is employed within 3 days after contacting law enforcement or filing the report.
- No management of a health care provider may discourage a health care worker from exercising his or her right to contact law enforcement or file a report with law enforcement because of workplace violence.

- Section 15 – Workplace Safety
- A health care provider that employs a health care worker shall display a notice stating that verbal aggression will not be tolerated and physical assault will be reported to law enforcement.
- The health care provider shall offer immediate post-incident services for a health care worker directly involved in a workplace violence incident caused by patients or their visitors, including acute treatment and access to psychological evaluation.

Section 20

WPV Prevention Program

- Section 20 – WPV Prevention Program
- A health care provider shall create a workplace violence prevention program that complies with the Occupational Safety and Health Administration guidelines for preventing workplace violence for health care and social service workers as amended or updated by the Occupational Safety and Health Administration (OSHA Guideline 3148)

<https://www.osha.gov/Publications/osha3148.pdf>

- Section 20 – WPV Prevention Program (cont'd)
- In addition, the workplace violence prevention program shall include the following classifications of workplace violence:
 - TYPE 1 – Committed by a person with no legitimate reason for being in the workplace and includes anyone who enters the workplace with the intent of a violent act

- Section 20 – WPV Prevention Program (cont'd)
 - TYPE II – Violence directed at employees by customers, clients, patients, students, inmates, visitors or others accompanying a patient
 - TYPE III – Violence against an employee by a present or former employee , supervisor or manager

- Section 20 – WPV Prevention Program (cont'd)
 - TYPE IV – Violence committed in the workplace by someone who does not work there , but has or is known to have had a personal relationship with an employee

- Section 20 – WPV Prevention Program (cont'd)
- In addition, the workplace violence prevention program shall include:
 - Management commitment and worker participation, including but not limited to nurses
 - Worksite analysis and identification of potential hazards
 - Hazard prevention and controls

- Section 20 – WPV Prevention Program (cont'd)
- In addition, the workplace violence prevention program shall include:
 - Safety and health training with required hours determined by rule, and
 - Recordkeeping and evaluation of the WPV program

Section 25

Whistleblower Protection

- Section 25 – Whistleblower protection
- The Whistleblower Act applies to health care providers and their employees with respect to actions taken to implement or enforce compliance with this act

Section 30

Medical Care for Committed Persons

- Section 30 – Medical Care for Committed Persons
- If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Corrections, a county, or a municipality, then the institution or facility shall:
 - to the greatest extent practicable, notify the hospital or medical facility that is treating the committed person prior to the committed person’s visit
 - notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or any other safety concerns regarding the patient

- Section 30 – Medical Care for Committed Persons (cont'd)
- To the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible
- Provide at least one guard trained in custodial escort and custody of high risk committed persons to accompany any committed person.
- The custodial agency shall attest to such training for custodial escort and custody of high risk persons committed through:

- Section 30 – Medical Care for Committed Persons (cont'd)
- Training of the DOC or DOJJ (Dept of Juvenile Justice)
- Law enforcement training that is substantially equivalent to the training of the DOC or the DOJJ
- Training described in Section 35. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code.
- Additionally, restraints shall not be used on a committed person if medical personnel determine that the restraints would impede medical treatment.

- Section 30 – Medical Care for Committed Persons (cont'd)
- Ensure that only medical personnel, DOC personnel, county or municipality personnel, and visitors on the committed person's approved institutional visitors list may visit the committed person.
- Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the hospital or medical facility and the Department of Corrections, county, or municipality.

- Section 30 – Medical Care for Committed Persons (cont'd)
- In any situation in which a committed person is being visited:
 - The name of the visitor must be listed per the facility's or institution's documentation
 - The visitor shall submit to the search of any personal property under his or her control at any time
 - The custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety

- Section 30 – Medical Care for Committed Persons (cont'd)
- If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Corrections, county, or municipality, then the custodial agency shall ensure that
 - the committed person is wearing security restraints in accordance with the custodial agency's rules and procedures if the custodial agency determines that restraints are necessary for the following reasons:
 - to prevent physical harm to the committed person or another person;

- Section 30 – Medical Care for Committed Persons (cont'd)
- because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or
- there is a well-founded belief that the committed person presents a substantial risk of flight.
- Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code.

- Section 30 – Medical Care for Committed Persons (cont'd)
- The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Corrections, county, or municipality, specifically with regard to potentially violent persons.
- If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the institution or facility shall:

- Section 30 – Medical Care for Committed Persons (cont'd)
- To the greatest extent practicable, notify hospital or medical facility that is treating the committed person prior to the committed person's visit, and
- notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or other safety concerns regarding the patient;
- To the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible;

- Section 30 – Medical Care for Committed Persons (cont'd)
- Provide A) At least one guard trained in custodial escort and custody of high-risk committed persons to accompany any committed person.
- The custodial agency shall attest to such training for custodial escort and custody of high-risk committed persons through:
 - (i) the training of the Department of Corrections or Department of Juvenile Justice,
 - (ii) law enforcement training that is substantially equivalent to the training of the Department of Corrections or Department of Juvenile Justice, or
 - (iii) the training described in Section 35; or

- Section 30 – Medical Care for Committed Persons (cont'd)
- Provide B) 2 guards to accompany the committed person at all times during the visit to the hospital or medical facility; and
- Ensure that only medical personnel, DOJJ personnel, and visitors on the committed person's approved institutional visitors list may visit the committed person. Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the hospital or medical facility and the DOJJ.

- Section 30 – Medical Care for Committed Persons (cont'd)
- In any situation in which a committed person is being visited:
 - The name of the visitor must be listed per the facility's or institution's documentation
 - The visitor shall submit to a search of his or her person or an personal property under his or her control at any time, and
 - The custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety.

- Section 30 – Medical Care for Committed Persons
- If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the Department of Juvenile Justice shall ensure that
 - the committed person is wearing security restraints on either his or her wrists or ankles in accordance with the rules and procedures of the Department of Juvenile Justice if the Department of Juvenile Justice determines that restraints are necessary for the following reasons:

- Section 30 – Medical Care for Committed Persons
 - (i) to prevent physical harm to the committed person or another person;
 - (ii) because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or
 - (iii) there is a well-founded belief that the committed person presents a substantial risk of flight.

- Section 30 – Medical Care for Committed Persons
- Any restraints used on a committed person under this paragraph shall be the least restrictive restraints necessary to prevent flight or physical harm to the committed person or another person.
- Restraints shall not be used on the committed person as provided in this paragraph if medical personnel determine that the restraints would impede medical treatment.
- Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor.

- Section 30 – Medical Care for Committed Persons
- The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Juvenile Justice, specifically with regard to persons recently exhibiting violence.

Section 35

Custodial Agency Training

- Section 35 – Custodial Agency Training
- The Illinois Law Enforcement Training Standards Board shall establish a curriculum for custodial escort and custody of high-risk committed persons certification, which shall include, but not be limited to, the following:
 - Handcuffing or shackling of a high-risk committed person
 - Mobile transportation of a committed person with defense from the committed persons attack
 - Outside facility threat assessment
 - Hands on weapons retention training
 - Custodial considerations for a high risk committed person in outside facilities

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