

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1165

S.P. 402

In Senate, March 26, 2013

**An Act To Improve the Safety of Workers Who Provide Direct
Mental Health and Social Services**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative GRAHAM of North Yarmouth and
Senators: CRAVEN of Androscoggin, MAZUREK of Knox, Representatives: HICKMAN of
Winthrop, JONES of Freedom, NADEAU of Winslow.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §51** is enacted to read:

3 **§51. Workplace violence prevention**

4 **1. Commissioner.** The commissioner shall by rule require that direct service
5 programs providing direct social services to clients and operated, licensed or funded by
6 the department establish a workplace violence prevention program for direct service
7 workers. For the purposes of this section, "direct service worker" includes mental health
8 workers, social workers, human services workers and all employees and volunteers
9 having regular direct contact with clients and members of the public. Rules adopted
10 under this subsection are routine technical rules as defined in Title 5, chapter 375,
11 subchapter 2-A.

12 **2. Assessment.** A workplace violence prevention program established pursuant to
13 subsection 1 must assess and annually review the operations of the direct service program
14 to determine factors that may put direct service workers at risk for workplace violence,
15 including, but not limited to, working outside normal business hours, working alone or
16 working with individuals in crisis or with known histories of violent behavior.

17 **3. Program requirements.** Based on the factors identified by the assessment and
18 review conducted under subsection 2, a direct service program shall:

19 A. Establish a system for centrally recording all incidents of workplace violence and
20 threats of workplace violence against direct service workers;

21 B. Prepare a written workplace violence prevention and crisis response plan that
22 includes measures to respond to an incident of workplace violence against a direct
23 service worker;

24 C. Provide each direct service worker with a copy of the workplace violence
25 prevention and crisis response plan under paragraph B;

26 D. Implement training to educate direct service workers about workplace violence
27 and ways to reduce the risk of workplace violence; and

28 E. Develop and maintain a workplace violence prevention and crisis response team
29 to monitor ongoing compliance with the workplace violence prevention and crisis
30 response plan under paragraph B and to assist direct service workers affected by or
31 threatened with workplace violence.

32 **SUMMARY**

33 This bill requires all programs providing direct services to clients that are operated,
34 licensed or funded by the Department of Health and Human Services to establish a
35 workplace violence prevention program, including a workplace violence prevention and
36 crisis response plan, to educate, train and assist direct service workers who may be
37 affected by or threatened with workplace violence.