

**PROPOSED REGULATION OF THE  
ADMINISTRATOR OF THE DIVISION OF INDUSTRIAL RELATIONS  
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB FILE NO. R044-20I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 04/08/2020**

**PROPOSED REGULATION OF THE DIVISION OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
FOR THE AMENDMENT OF CHAPTER 618, NAC**

**LCB File No. Unassigned**

March 12, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§

A REGULATION relating to occupational safety; providing for \_\_\_\_\_; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Section 1.** Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in section 3 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *As used in NRS 618.7301 to 618.7318, inclusive, “unit” means a component of a medical facility for providing patient care, such as a group, department, section or wing, that is defined by the scope of health care service provided, the competencies required of its staff, and the orientation process and methods for assessing the ability of the members of staff to fulfill their responsibilities.*

**Sec. 4.** *The following injuries or incidents must be reported to the nearest office of the Division:*

*1. Any employee fatality, inpatient hospitalization, amputation or loss of an eye due to workplace violence in which physical violence was used must be reported pursuant to sections 1 and 2 of NRS 618.378;*

*2. Any incident of work place violence in which physical force was used, but no fatality or injuries occurred, must be reported to the Division within 24 hours;*

*3. Any employee fatality, inpatient hospitalization, amputation or loss of an eye due to workplace violence in which a firearm or other dangerous weapon was used must be reported pursuant to sections 1 and 2 of NRS 618.378;*

*4. Any incident of work place violence in which a firearm or other dangerous weapon was used, but no fatality or injuries occurred, must be reported to the Division within 24 hours.*

**Sec. 5.** *Any realistic possibility of work place violence must be reported to the Division within 30 days and must include the following:*

*1. Response measures to be taken to address the newly recognized work place violence threat;*

*2. Names of the individuals that are responsible for initiating any response measures; and;*

*3. The anticipated completion date for the response measures.*

**Sec. 6.** *1. Any plan or procedures to assess and respond to potential workplace violence situations developed pursuant to section 1(b) of NRS 618.7312 must include:*

*(a) Procedures for assessment of potential workplace hazards designed to identify and evaluate patient-specific risk factors and assess visitors or other persons who are not employees;*

*(b) Assessment tools, decision trees, algorithms, or other effective means to identify situations in which patient-specific workplace violence is more likely to occur and to assess*

*visitors or other persons who display disruptive behavior or otherwise demonstrate a risk of committing workplace violence;*

*(c) Procedures for law enforcement, paramedic and other emergency medical transportation services to communicate with receiving facilities, and for receiving facilities to communicate with law enforcement, paramedic and other emergency medical transportation services, to identify risk factors associated with patients who are being transported to the receiving facility; and*

*(d) Procedures to respond to workplace violence hazards shall be developed within 30 days of the recognition of the specific hazard and shall take into account, but not be limited to, the following:*

*(1) Engineering and work practice controls to eliminate or minimize employee exposure to the identified hazards to the extent feasible;*

*(2) Measures to protect employees from imminent hazards immediately, and measures to protect employees from identified serious hazards within 7 days of the discovery of the hazard, where there is a realistic possibility that death or serious physical harm could result from the hazard; and*

*(3) Interim measures to abate the hazard when an identified corrective measure cannot be implemented within 7 days, until permanent control measures can be implemented.*

*2. As used in this section, “patient-specific risk factors” shall include, but are not limited to, the following:*

*(a) A patient's mental status and conditions that may cause the patient to be non-responsive to instruction or to behave unpredictably, disruptively, uncooperatively, or aggressively;*

*(b) A patient's treatment and medication status, including type and dosage, if known;*

- (c) A patient's history of violence, as is known to the healthcare facility and employees; and*
- (d) Any disruptive or threatening behavior displayed by a patient.*

**Sec. 7. 1.** *At a minimum, any engineering control used to address potential workplace violence issues must effectively prevent and mitigate any conditions identified in the workplace assessment.*

*2. At a minimum, any work practice controls used to prevent or mitigate potential workplace violence issues must effectively address any conditions identified in the workplace assessment.*

*3. At a minimum, any other appropriate measure used to prevent or mitigate potential workplace violence issues must effectively address any conditions identified in the workplace assessment.*

**Sec. 8. 1.** *A medical facility shall record information in a workplace violence incident log (Log) about every incident, post-incident response, and workplace violence injury investigation. Information about each incident shall be based on information solicited from the employees who witnessed or experienced the workplace violence. The employer shall omit any element of personal identifying information sufficient to allow identification of any person involved in a workplace violence incident, such as the person's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity. The Log shall be reviewed during the annual review of the plan pursuant to section 2(g) of NRS 618.7312. The information recorded in the Log shall include, but is not limited to:*

- (a) The date, time, specific location, and department of the incident;*
- (b) A detailed description of the incident;*

*(c) A classification of who committed the violence, including whether the perpetrator was a patient/client/customer, family/friend of a patient/client/customer, stranger with criminal intent, coworker, supervisor/manager, partner/spouse, parent/relative, or other perpetrator;*

*(d) A classification of circumstances at the time of the incident, including whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, in a high crime area, isolated or alone, unable to get help or assistance, working in a community setting, working in an unfamiliar or new location, or other circumstances;*

*(e) A classification of where the incident occurred, including whether it was in a patient or client room, emergency room or urgent care, hallway, waiting room, restroom or bathroom, parking lot or other area outside the building, personal residence, break room, cafeteria, or other area;*

*(f) The type of incident, including whether it involved:*

*(1) Physical attack, including biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting;*

*(2) Attack with a weapon or object, including a gun, knife, or other object;*

*(3) Threat of physical force or threat of the use of a weapon or other object;*

*(4) Sexual assault or threat, including rape/attempted rape, physical display, or unwanted verbal/physical sexual contact;*

*(g) Consequences of the incident, including:*

*(1) Whether medical treatment was provided to the employee;*

*(2) Who, if anyone, provided necessary assistance to conclude the incident;*

*(3) Whether security was contacted;*

*(4) Whether law enforcement was contacted;*

*(5) Amount of lost time in hours from work, if any; and*

*(6) Actions taken to protect employees from a continuing threat, if any;*

*(h) Information about the person completing the Log including their name, job title, phone number, email address, and date each entry to the Log was completed.*

**Sec. 9.** *As used in chapter 618 of the Nevada Administrative Code and this regulation, “imminent danger” means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Nevada Occupational Safety and Health Act.*