

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 809

Short Title: Hospital Violence Protection Act. (Public)

Sponsors: Representatives Reeder, Miller, and Pyrtle (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE HOSPITAL VIOLENCE PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known and may be cited as "The Hospital Violence
5 Protection Act of 2023."

6 **SECTION 2.** Article 5 of Chapter 131E of the General Statutes is amended by adding
7 a new Part to read:

8 "Part 3A. Hospital Violence Protection Act.

9 **§ 131E-88. Law enforcement officers required in emergency departments.**

10 (a) As used in this Part, "law enforcement officer" means (i) a sworn law enforcement
11 officer or (ii) a special police officer, as defined in subdivision (b)(3) of G.S. 74E-6, who is duly
12 authorized to carry a concealed weapon.

13 (b) Each hospital licensed under this Article that has an emergency department shall
14 develop and implement a security plan with protocols to ensure that at least one law enforcement
15 officer is present at all times in the emergency department or on the same campus as the
16 emergency department. The security plan required by this section shall include all of the
17 following components:

18 (1) Training for law enforcement officers employed by the hospital that is
19 appropriate for the populations served by the emergency department.

20 (2) Training for law enforcement officers employed by the hospital that is based
21 on a trauma-informed approach to identifying and safely addressing situations
22 involving patients, family members, or other persons who pose a risk of harm
23 to themselves or others due to mental illness or substance use disorder or who
24 are experiencing a mental health crisis.

25 (3) Safety protocols based on all of the following:

26 a. Standards established by a nationally recognized organization
27 approved by the Department that has experience educating and
28 certifying professionals involved in managing and directing security
29 and safety programs in healthcare facilities.

30 b. The results of a security risk assessment of the emergency department.

31 c. Risks for the emergency department identified in consultation with the
32 emergency department's medical director and nurse leadership, law
33 enforcement officers employed by the hospital, and a local law
34 enforcement representative. These identified risks shall take into
35 consideration the hospital's trauma level designation, overall patient



1 volume, volume of psychiatric and forensic patients, incidents of
2 violence against staff and level of injuries sustained from such
3 violence, and prevalence of crime in the community.

4 (4) Safety protocols that include the presence of at least one law enforcement
5 officer in the emergency department or on the same campus as the emergency
6 department at all times.

7 (5) Training requirements for law enforcement officers employed by the hospital
8 in the potential use of and response to weapons, defensive tactics,
9 de-escalation techniques, appropriate physical restraint and seclusion
10 techniques, crisis intervention, and trauma-informed approaches.

11 **"§ 131E-88.2. Report.**

12 Annually by December 15, the Administrative Office of the Courts shall report to the
13 Division of Health Service Regulation and the Joint Legislative Oversight Committee on Health
14 and Human Services on the number of persons charged or convicted during the preceding
15 calendar year of a crime under G.S. 14-34.6."

16 **SECTION 3.(a)** By October 1, 2023, the Department of Health and Human Services
17 shall notify all hospitals licensed under Article 5 of Chapter 131E of the General Statutes about
18 the requirements of Part 3A of Article 5 of Chapter 131E of the General Statutes, as enacted by
19 this act, and, along with such notification, provide information on the process for reporting
20 hospital injuries resulting from acts of violence to appropriate law enforcement agencies.

21 **SECTION 3.(b)** The first report under G.S. 131E-88.2, as enacted by this act, is due
22 from the Administrative Office of the Courts on or before December 15, 2023.

23 **SECTION 4.** Section 3 of this act is effective when it becomes law. The remainder
24 of this act becomes effective October 1, 2023.