

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-127, as it shall become effective, of the Code of Virginia, relating to*  
 3 *hospitals; reports of threats or acts of violence against health care providers.*

4 [H 2269]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-127, as it shall become effective, of the Code of Virginia is amended and reenacted as**  
 8 **follows:**9 **§ 32.1-127. (Effective July 1, 2025) Regulations.**

10 A. The regulations promulgated by the Board to carry out the provisions of this article shall be in  
 11 substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established  
 12 and recognized by medical and health care professionals and by specialists in matters of public health and  
 13 safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the  
 14 Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

15 B. Such regulations:

16 1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes  
 17 and certified nursing facilities to ensure the environmental protection and the life safety of its patients,  
 18 employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified  
 19 nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing  
 20 facilities, except those professionals licensed or certified by the Department of Health Professions; (iv)  
 21 conditions under which a hospital or nursing home may provide medical and nursing services to patients in  
 22 their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility  
 23 security of hospitals, nursing homes, and certified nursing facilities;

24 2. Shall provide that at least one physician who is licensed to practice medicine in the Commonwealth and  
 25 is primarily responsible for the emergency department shall be on duty and physically present at all times at  
 26 each hospital that operates or holds itself out as operating an emergency service;

27 3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing  
 28 hospitals and nursing homes by bed capacity and by type of specialty or service;

29 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal  
 30 law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. §  
 31 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS  
 32 regulations for routine contact, whereby the provider's designated organ procurement organization certified  
 33 by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii)  
 34 is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a  
 35 similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of  
 36 America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The  
 37 hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in  
 38 the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable  
 39 tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The  
 40 protocol shall ensure that the hospital collaborates with the designated organ procurement organization to  
 41 inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to  
 42 donate. The individual making contact with the family shall have completed a course in the methodology for  
 43 approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved  
 44 by the organ procurement organization and designed in conjunction with the tissue and eye bank community  
 45 and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of  
 46 the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement  
 47 organization in educating the staff responsible for contacting the organ procurement organization's personnel  
 48 on donation issues, the proper review of death records to improve identification of potential donors, and the  
 49 proper procedures for maintaining potential donors while necessary testing and placement of potential  
 50 donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the  
 51 family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative  
 52 officer of the hospital or his designee knows of such opposition, and no donor card or other relevant  
 53 document, such as an advance directive, can be found;

54 5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or  
 55 transfer of any pregnant woman who presents herself while in labor;

56 6. Shall also require that each licensed hospital develop and implement a protocol requiring written

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HB2269ER

57 discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall  
58 require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and  
59 the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment  
60 services, comprehensive early intervention services for infants and toddlers with disabilities and their families  
61 pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and  
62 family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the  
63 other parent of the infant and any members of the patient's extended family who may participate in the  
64 follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of  
65 any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the  
66 community services board of the jurisdiction in which the woman resides to appoint a discharge plan  
67 manager. The community services board shall implement and manage the discharge plan;

68 7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for  
69 admission the home's or facility's admissions policies, including any preferences given;

70 8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of  
71 patients which shall include a process reasonably designed to inform patients of such rights and  
72 responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on  
73 admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and  
74 Medicaid Services;

75 9. Shall establish standards and maintain a process for designation of levels or categories of care in  
76 neonatal services according to an applicable national or state-developed evaluation system. Such standards  
77 may be differentiated for various levels or categories of care and may include, but need not be limited to,  
78 requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

79 10. Shall require that each nursing home and certified nursing facility train all employees who are  
80 mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures  
81 and the consequences for failing to make a required report;

82 11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or  
83 hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or  
84 treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give  
85 patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time  
86 not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital  
87 policies and procedures, by the person giving the order, or, when such person is not available within the  
88 period of time specified, co-signed by another physician or other person authorized to give the order;

89 12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of  
90 the vaccination, that each certified nursing facility and nursing home provide or arrange for the  
91 administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal  
92 vaccination, in accordance with the most recent recommendations of the Advisory Committee on  
93 Immunization Practices of the Centers for Disease Control and Prevention;

94 13. Shall require that each nursing home and certified nursing facility register with the Department of  
95 State Police to receive notice of the registration, reregistration, or verification of registration information of  
96 any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to  
97 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or  
98 facility is located, pursuant to § 9.1-914;

99 14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission,  
100 whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry  
101 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient  
102 will have a length of stay greater than three days or in fact stays longer than three days;

103 15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult  
104 patient to receive visits from any individual from whom the patient desires to receive visits, subject to other  
105 restrictions contained in the visitation policy including, but not limited to, those related to the patient's  
106 medical condition and the number of visitors permitted in the patient's room simultaneously;

107 16. Shall require that each nursing home and certified nursing facility shall, upon the request of the  
108 facility's family council, send notices and information about the family council mutually developed by the  
109 family council and the administration of the nursing home or certified nursing facility, and provided to the  
110 facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six  
111 times per year. Such notices may be included together with a monthly billing statement or other regular  
112 communication. Notices and information shall also be posted in a designated location within the nursing  
113 home or certified nursing facility. No family member of a resident or other resident representative shall be  
114 restricted from participating in meetings in the facility with the families or resident representatives of other  
115 residents in the facility;

116 17. Shall require that each nursing home and certified nursing facility maintain liability insurance  
117 coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal  
118 to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses

119 resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall  
120 result in revocation of the facility's license;

121 18. Shall require each hospital that provides obstetrical services to establish policies to follow when a  
122 stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their  
123 families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

124 19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit  
125 with the facility following the discharge or death of a patient, other than entrance-related fees paid to a  
126 continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the  
127 discharged patient or, in the case of the death of a patient, the person administering the person's estate in  
128 accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

129 20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that  
130 requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal  
131 communication between the on-call physician in the psychiatric unit and the referring physician, if requested  
132 by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for  
133 such direct verbal communication by a referring physician and (ii) a patient for whom there is a question  
134 regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due  
135 to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which  
136 the patient is sought to be transferred to participate in direct verbal communication, either in person or via  
137 telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information  
138 Centers employed by a poison control center that is accredited by the American Association of Poison Control  
139 Centers to review the results of the toxicology screen and determine whether a medical reason for refusing  
140 admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the  
141 referring physician;

142 21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a  
143 policy governing determination of the medical and ethical appropriateness of proposed medical care, which  
144 shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of  
145 proposed medical care in cases in which a physician has determined proposed care to be medically or  
146 ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is  
147 medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by  
148 the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the  
149 proposed health care; and (iii) requirements for a written explanation of the decision reached by the  
150 interdisciplinary medical review committee, which shall be included in the patient's medical record. Such  
151 policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to  
152 § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent  
153 medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee  
154 meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical  
155 decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other  
156 remedies available at law, including seeking court review, provided that the patient, his agent, or the person  
157 authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the  
158 chief executive officer of the hospital within 14 days of the date on which the physician's determination that  
159 proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical  
160 record;

161 22. Shall require every hospital with an emergency department to establish a security plan. Such security  
162 plan shall be developed using standards established by the International Association for Healthcare Security  
163 and Safety or other industry standard and shall be based on the results of a security risk assessment of each  
164 emergency department location of the hospital and shall include the presence of at least one off-duty  
165 law-enforcement officer or trained security personnel who is present in the emergency department at all times  
166 as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based  
167 on identified risks for the emergency department, including trauma level designation, overall volume, volume  
168 of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from  
169 such violence, and prevalence of crime in the community, in consultation with the emergency department  
170 medical director and nurse director. The security plan shall also outline training requirements for security  
171 personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques,  
172 appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches.  
173 Such training shall also include instruction on safely addressing situations involving patients, family  
174 members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance  
175 abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through  
176 completion of the Department of Criminal Justice Services minimum training standards for auxiliary police  
177 officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at  
178 least one off-duty law-enforcement officer or trained security personnel be present at all times in the  
179 emergency department if the hospital demonstrates that a different level of security is necessary and  
180 appropriate for any of its emergency departments based upon findings in the security risk assessment;

181 23. Shall require that each hospital establish a protocol requiring that, before a health care provider  
182 arranges for air medical transportation services for a patient who does not have an emergency medical  
183 condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized  
184 representative with written or electronic notice that the patient (i) may have a choice of transportation by an  
185 air medical transportation provider or medically appropriate ground transportation by an emergency medical  
186 services provider and (ii) will be responsible for charges incurred for such transportation in the event that the  
187 provider is not a contracted network provider of the patient's health insurance carrier or such charges are not  
188 otherwise covered in full or in part by the patient's health insurance plan;

189 24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an  
190 existing hospital or nursing home, including beds located in a temporary structure or satellite location  
191 operated by the hospital or nursing home, provided that the ability remains to safely staff services across the  
192 existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's  
193 determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has  
194 caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a  
195 shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency  
196 order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the  
197 Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a  
198 nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to  
199 the public life and health;

200 25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure  
201 for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up  
202 treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-  
203 up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the  
204 hospital;

205 26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer  
206 medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a  
207 valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

208 27. Shall require each hospital with an emergency department to establish a protocol for the treatment and  
209 discharge of individuals experiencing a substance use-related emergency, which shall include provisions for  
210 (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to  
211 identify medical interventions necessary for the treatment of the individual in the emergency department and  
212 (ii) recommendations for follow-up care following discharge for any patient identified as having a substance  
213 use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have  
214 been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a)  
215 the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of  
216 § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or  
217 other opioid antagonist used for overdose reversal, including information about accessing naloxone or other  
218 opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy  
219 operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or  
220 other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing  
221 order. Such protocols may also provide for referrals of individuals experiencing a substance use-related  
222 emergency to peer recovery specialists and community-based providers of behavioral health services, or to  
223 providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

224 28. During a public health emergency related to COVID-19, shall require each nursing home and certified  
225 nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from  
226 the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid  
227 Services and the Board. Such protocol shall include provisions describing (i) the conditions, including  
228 conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and  
229 community, under which in-person visits will be allowed and under which in-person visits will not be  
230 allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be  
231 required to comply to protect the health and safety of the patients and staff of the nursing home or certified  
232 nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff  
233 support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing  
234 home or certified nursing facility will take in the event of a technology failure, service interruption, or  
235 documented emergency that prevents visits from occurring as required by this subdivision. Such protocol  
236 shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where  
237 appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a  
238 provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided  
239 that such waiver or limitation is included in the patient's health record; and (c) a requirement that each  
240 nursing home and certified nursing facility publish on its website or communicate to each patient or the  
241 patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing  
242 facility's plan for providing visits to patients as required by this subdivision;

243 29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement  
 244 policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient,  
 245 in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection  
 246 of health information in accordance with the requirements of the federal Health Insurance Portability and  
 247 Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision,  
 248 "intelligent personal assistant" means a combination of an electronic device and a specialized software  
 249 application designed to assist users with basic tasks using a combination of natural language processing and  
 250 artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

251 30. During a declared public health emergency related to a communicable disease of public health threat,  
 252 shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow  
 253 patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect  
 254 consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare  
 255 and Medicaid Services and subject to compliance with any executive order, order of public health,  
 256 Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation.  
 257 Such protocol may restrict the frequency and duration of visits and may require visits to be conducted  
 258 virtually using interactive audio or video technology. Any such protocol may require the person visiting a  
 259 patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home,  
 260 or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the  
 261 hospital, nursing home, or certified nursing facility;

262 31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients  
 263 who are minors available to such patients through a secure website shall make such health records available  
 264 to such patient's parent or guardian through such secure website, unless the hospital cannot make such health  
 265 record available in a manner that prevents disclosure of information, the disclosure of which has been denied  
 266 pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of  
 267 § 54.1-2969 has not been provided; and

268 32. Shall require that every hospital where surgical procedures are performed adopt a policy requiring the  
 269 use of a smoke evacuation system for all planned surgical procedures that are likely to generate surgical  
 270 smoke. For the purposes of this subdivision, "smoke evacuation system" means smoke evacuation equipment  
 271 and technologies designed to capture, filter, and remove surgical smoke at the site of origin and to prevent  
 272 surgical smoke from making ocular contact or contact with a person's respiratory tract.

273 C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified  
 274 nursing facilities may operate adult day centers.

275 D. All facilities licensed by the Board pursuant to this article which provide treatment or care for  
 276 hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot  
 277 numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be  
 278 contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated  
 279 clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to  
 280 be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the  
 281 contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each  
 282 recipient who received treatment from a known contaminated lot at the individual's last known address.

283 E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the  
 284 provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

285 F. *Hospitals in the Commonwealth shall:*

286 1. *Establish a workplace violence incident reporting system, through which each hospital shall document,*  
 287 *track, and analyze any incident of workplace violence reported. The results of such analysis shall be used to*  
 288 *make improvements in preventing workplace violence, including improvements achieved through continuing*  
 289 *education in targeted areas, including de-escalation training, risk identification, and violence prevention*  
 290 *planning. Such reporting system shall (i) be clearly communicated to all employees, including to any new*  
 291 *employees at the employee orientation, and (ii) include guidelines on when and how to report incidents of*  
 292 *workplace violence to the employer, security agencies, and appropriate law-enforcement authorities;*

293 2. *Record all reported incidents of workplace violence as voluntarily reported by an employee; and*

294 3. *Adopt a policy that prohibits any person from discriminating or retaliating against any employee of the*  
 295 *hospital for reporting to, or seeking assistance or intervention from, the employer, security agencies, law-*  
 296 *enforcement authorities, local emergency services organizations, government agencies, or others*  
 297 *participating in any incident investigation. Such policy shall comply with the provisions of § 40.1-27.3.*

298 G. *Each hospital in the Commonwealth shall maintain the record of reported incidents of workplace*  
 299 *violence made pursuant to subsection F for at least two years and shall include in such record, at a*  
 300 *minimum:*

301 1. *The date and time of the incident;*

302 2. *A description of the incident, including the job titles of the affected employee;*

303 3. *Whether the perpetrator was a patient, visitor, employee, or other person;*

304 4. *A description of where the incident occurred;*

305 5. Information relating the type of incident, including whether the incident involved (i) a physical attack  
306 without a weapon; (ii) an attack with a weapon or object; (iii) a threat of physical force or use of a weapon  
307 or other object with the intent to cause bodily harm; (iv) sexual assault or the threat of sexual assault; or (v)  
308 anything else not listed in subdivisions (i) through (iv);

309 6. The response to and any consequences of the incident, including (i) whether security or law  
310 enforcement was contacted and, if so, their response and (ii) whether the incident resulted in any change to  
311 hospital policy; and

312 7. Information about the individual who completed the report, including such individual's name, job title,  
313 and the date of completion.

314 H. Each hospital shall:

315 1. Report the data collected and reported pursuant to subsection G to the chief medical officer and the  
316 chief nursing officer of such hospital on, at a minimum, a quarterly basis; and

317 2. Send a report to the Department on an annual basis that includes, at a minimum, the number of  
318 incidents of workplace violence voluntarily reported by an employee pursuant to subsection F. Any report  
319 made to the Department pursuant to this subdivision shall be aggregated to remove any personally  
320 identifiable information.

321 I. As used in this section:

322 "Employee of the hospital" or "employee" means an employee of the hospital or any health care provider  
323 credentialed by the hospital or engaged by the hospital to perform health care services on the premises of the  
324 hospital.

325 "Workplace violence" means any act of violence or threat of violence, without regard to the intent of the  
326 perpetrator, that occurs against an employee of the hospital while on the premises of such hospital and  
327 engaged in the performance of his duties. "Workplace violence" includes (i) the threat or use of physical  
328 force against an employee that results in, or has a high likelihood of resulting in, injury, psychological  
329 trauma, or stress, regardless of whether physical injury is sustained, and (ii) any incident involving the threat  
330 of using dangerous weapons or using common objects as weapons or to cause physical harm, regardless of  
331 whether physical injury is sustained.

332 **2. That the Department of Health's initial adoption of regulations necessary to implement the**  
333 **provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the**  
334 **Code of Virginia).**

335 **3. That the Secretary of Health and Human Resources, in collaboration with the Department of**  
336 **Criminal Justice Services, shall convene a stakeholder work group that shall include representatives of**  
337 **the Board of Medicine, the Board of Nursing, the Virginia Hospital and Healthcare Association, the**  
338 **Medical Society of Virginia, the Virginia Nurses Association, the Virginia College of Emergency**  
339 **Physicians, and such other stakeholders as deemed relevant and appropriate, for the purpose of**  
340 **making recommendations on the workplace violence reporting system and policies adopted pursuant to**  
341 **§ 32.1-127 of the Code of Virginia, as amended by this act, including (i) the specific data elements to be**  
342 **reported to the Department of Health annually; (ii) additional specific data elements that should be**  
343 **collected by each hospital and included in any report made to the Department of Health; (iii) the**  
344 **aggregation of any data collected and reported pursuant to clauses (i) and (ii) for the purposes of**  
345 **protecting personally identifiable information; (iv) additional health care entities, if any, that should**  
346 **also be required to collect, maintain a record of, and report data relating to incidents of workplace**  
347 **violence; (v) additional hospital employees who should be notified of any reported incidents of**  
348 **workplace violence; and (vi) methods by which the Department of Health shall share publicly the data**  
349 **reported by hospitals pursuant to subsection H of § 32.1-127 of the Code of Virginia, as amended by**  
350 **this act. The work group shall report its recommendations to the Governor and the Chairs of the**  
351 **House Committee on Health and Human Services and the Senate Committee on Education and Health**  
352 **by November 1, 2025.**

353 **4. That the State Board of Health shall promulgate regulations to require hospitals to begin reporting**  
354 **data relating to incidents of workplace violence to the Department of Health on an annual basis, in**  
355 **accordance with § 32.1-127 of the Code of Virginia, as amended by this act, by July 1, 2026.**