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H.B. 452*
135th General Assembly

Bill Analysis

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Version: As Reported by Senate Veterans and Public Safety

Primary Sponsors: Reps. White and Baker

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SUMMARY

Hospital security plans

- Requires each hospital system and each hospital that is not part of a hospital system to establish a security plan for preventing workplace violence and managing aggressive behaviors.
- Specifies various requirements for the plans, including that the plans be submitted to the Ohio Department of Health (ODH) and be reviewed and evaluated annually.
- Requires each hospital system and each hospital that is not part of a hospital system to establish a workplace violence incident reporting system.
- Requires all hospitals to post a notice that aggressive behavior toward staff will not be tolerated, in place of the existing option to post such a notice.
- Requires the Department of Higher Education, jointly with ODH, to survey colleges and universities that provide education and training to students seeking to become health care providers to determine whether the education and training provided to those students addresses workplace violence prevention and managing aggressive behaviors.
- Requires the Chancellor of Higher Education to make recommendations and prepare a report for the General Assembly based on the results of the survey.

* This analysis was prepared before the report of the Senate Veterans and Public Safety Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

Civil immunity for self or other-defense and nonprofit corporations

- Specifies that the immunities currently provided for nonprofit corporations for any of the following also apply to a for-profit corporation that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose:
 - Injury, death, or loss to person or property allegedly caused by or related to a concealed handgun licensee bringing a handgun onto the premises or to an event of the nonprofit corporation;
 - Injury, death, or loss to person or property allegedly caused by or related to a decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or to an event of the nonprofit corporation.
- Generally grants civil immunity to a person for certain injuries allegedly caused by the person acting in self-defense or defense of another during the commission, or imminent commission, of an offense of violence to protect the members or guests of a nonprofit corporation under certain circumstances.
- Specifies that a person who approaches or enters a nonprofit corporation's premises or event with intent to commit an offense of violence is presumed liable for any injury, death, or loss to person or property resulting from an act of self-defense or defense of another against that person.

DETAILED ANALYSIS

Hospital security plans

Establishment and requirements

The bill requires each hospital system, and each hospital that is not part of a hospital system, to establish a security plan for preventing workplace violence and managing aggressive behaviors. The hospital system or hospital making the plan must involve a team consisting of members selected by the hospital system or hospital, including (1) at least one member that is a current or former patient or family member of a patient and (2) at least 50% of the total membership being health care employees who provide direct patient care.¹

The bill also provides that each security plan must:²

1. Be based on the results of a security risk assessment.

The security risk assessment must be conducted for each hospital, and must address all high-risk areas of each hospital, including emergency departments and psychiatric

¹ R.C. 3727.18(A).

² R.C. 3727.18(B).

departments, if those departments exist in the hospital being assessed. The assessment must consider any trauma-level designation held by the hospital, overall patient volume, psychiatric and forensic patient volume, past incidents of violence against staff and levels of injury resulting from those incidents, rates of crime in the community, and any other data points specified by the team making the plan, as described above.

2. Include an option for health care employees who provide direct patient care to request a first name only or first name and last initial only identification badge.
3. Require at least one hospital employee trained in de-escalation practices to be present at all times in the hospital's emergency department and psychiatric department, if the hospital has such departments.

The plan may require at least one such trained employee to be present in other high-risk areas that were identified during the hospital's risk assessment. Additionally, based on the risk assessment, the plan must address whether hospital police officers, trained security personnel, or off-duty law enforcement officers are required to be present in the hospital's emergency department and psychiatric department, if any, and in any other high-risk areas that were identified during the hospital's risk assessment.

4. Outline training requirements for security personnel.

The training requirements must address potential use of and response to weapons; defensive tactics; de-escalation techniques; appropriate physical restraint and seclusion techniques; crisis intervention; trauma-informed approaches; and safely addressing situations involving patients, family members, or other individuals who pose a risk of self-harm or harm to others.

For security personnel employed directly by a hospital system or a hospital, the Attorney General must adopt rules permitting the personnel to access any online training that (a) meets the training requirements under the hospital's security plan and (b) is available under peace officer training programs or otherwise provided by the Ohio Peace Officer Training Academy or at other approved peace officer training schools. The rules must be adopted within six months after the bill's effective date.³

5. Include guidelines outlining when law enforcement officers, hospital police officers, or trained security personnel remain with a patient who has demonstrated violence or poses a risk of self-harm or harm to others.

The guidelines must be developed jointly with local law enforcement authorities, including hospital police departments, that agree to participate.

Review and evaluation

Each security plan established pursuant to the bill must be reviewed and evaluated by the hospital system or hospital annually. The review and evaluation must involve the team that established the plan or a successor team that meets the same membership requirements as the

³ R.C. 109.7411.

original team. Plans must be revised if revisions are required as determined by the review and evaluation.⁴

Ohio Department of Health verification

The bill requires hospital systems and hospitals to submit to the Ohio Department of Health (ODH), in a manner designated by ODH, verification of compliance with the bill's requirements.⁵

The bill provides that hospital security plans, annual revisions, and any of the verification information submitted to ODH, as described above, are confidential and not public records.⁶

Workplace violence incident reporting system

The bill requires each hospital system, and each hospital that is not part of a hospital system, to establish a workplace violence incident reporting system. The system must be documented, tracked, and analyzed. The results of the analysis must be used to make improvements in preventing workplace violence and managing aggressive behaviors, including improvements achieved through continuing education in targeted areas such as de-escalation training, risk identification, and prevention planning. The reporting systems must track: the number of incidents reported through the systems; the number of incidents reported to law enforcement authorities, including those reported to a hospital police department; and the number of individuals involved in the incidents who are criminally charged as a result.

Data from the reporting system must be shared with the team involved in developing or annually reviewing and evaluating security plans, as described above under "**Hospital security plans.**" The reporting system must be clearly communicated to employees, including to all new employees during orientation, and must include guidelines for when and how to report incidents to the employer, security agencies, law enforcement authorities, including hospital police departments, local emergency service organizations, or government agencies.

Each hospital system, and each hospital that is not part of a hospital system, must adopt a policy that prohibits any person from discriminating or retaliating against any health care employee for reporting to, or seeking assistance or intervention from, the employer, security agencies, law enforcement authorities, including hospital police departments, local emergency service organizations, or government agencies. The policy also must prohibit discrimination or retaliation against a health care employee for participating in an incident investigation.⁷

⁴ R.C. 3727.18(C).

⁵ R.C. 3727.18(D).

⁶ R.C. 3727.18(E).

⁷ R.C. 3727.181.

Time to comply

For existing hospital systems and hospitals, the bill specifies the following must be done within three months after the bill's effective date:⁸

- Establishment of the security plans and workplace incident reporting systems;
- Submission of security plans to ODH; and
- Compliance with the notice requirements described below under “**Notices regarding threatening and aggressive behavior.**”

Rulemaking

The bill authorizes the ODH Director to adopt rules as necessary to implement the bill's provisions that are described above. The rules must be adopted in accordance with the Administrative Procedure Act. The rules are exempt from certain existing law provisions that apply to rules containing regulatory restrictions.⁹

Notice regarding threatening and aggressive behavior

The bill modifies existing law that authorizes a hospital to post a notice that threatening or aggressive behavior toward staff will not be tolerated. The bill makes such notice mandatory for all hospitals, and permits the notice to be in print or digital sign format. The bill maintains current law that specifies areas where the notice may be posted.

The bill makes minor modifications to the content of the notice, and provides that a hospital's notice may use the wording in the statute or similar wording.¹⁰

Survey of education and training for health care students

The bill requires the Department of Higher Education, jointly with ODH, to survey colleges and universities that provide education and training to students seeking to become health care providers, including medical students, nursing students, and allied health students. The purpose of the survey is to determine whether the education and training provided to those students addresses workplace violence prevention and management of aggressive behaviors. The survey must include a determination of whether de-escalation, conflict management, and risk identification and assessment are part of the education and training. The survey must be completed within six months after the bill's effective date.

Based on the survey, the Chancellor of Higher Education, in consultation with the Ohio Council of Medical School Deans and the Ohio Council of Deans and Directors of Baccalaureate and Higher Degree Nursing Programs, is required to make recommendations and prepare a

⁸ Section 3.

⁹ R.C. 3727.18(F); see R.C. 121.95 to 121.953, not in the bill.

¹⁰ R.C. 3727.182, as renumbered by the bill.

report for the General Assembly. The report must be completed within three months after the survey is completed.¹¹

Civil immunity for self or other-defense and nonprofit corporations

Background

Existing law, unchanged by the bill, provides that, subject to specified exceptions, a concealed handgun licensee may carry a concealed handgun anywhere in Ohio if the licensee also carries a valid license when in actual possession of a concealed handgun. The exceptions are: (1) in any of nine specified categories of places (e.g., in specified circumstances, in a law enforcement station, school safety zone, courthouse, D liquor permit premises, institution of higher education, place of worship, government facility, or place prohibited under federal law), (2) in a manner prohibited under the offense of “carrying concealed weapons” or “improperly handling firearms in a motor vehicle,” (3) in violation of a private employer’s rule, policy, or practice concerning or prohibiting the presence of firearms on the employer’s premises or property, in specified circumstances, or (4) in violation of a sign properly posted by the owner or person in control of private land or premises, or by the private person or entity lessee on government land or premises, that prohibits persons from carrying firearms or concealed firearms on the land or premises.¹² An armed forces active duty member carrying specified types of documentation has the same right to carry a concealed handgun in Ohio as a concealed handgun licensee and is subject to the same restrictions.¹³

Existing law provides immunity from civil liability for certain entities for injury, death, or loss to person or property allegedly caused by or related to a concealed handgun licensee bringing a handgun onto the entity’s premises or property. The entities for which this immunity is provided are private employers, political subdivisions, institutions of higher education, and nonprofit corporations – the immunity also applies with respect to events organized by such corporations but it does not apply for those employers, institutions, and corporations that acted with malicious purpose. Private employers, institutions of higher education, and nonprofit corporations also are provided immunity for injury, death, or loss to person or property allegedly caused by or related to the employer’s, institution’s, or corporation’s decision to permit a licensee to bring a handgun onto the premises or property of the private employer – the immunity for private employers also expressly extends to a decision to prohibit a licensee from bringing a handgun onto the premises or property.¹⁴

¹¹ Section 4.

¹² R.C. 2923.126(A) to (C).

¹³ R.C. 2923.126(D)(2).

¹⁴ R.C. 2923.126(C)(2).

Operation of the bill

Immunity extended to for-profit corporation

The bill specifies that the immunities currently provided for nonprofit corporations, as described above in “**Background**,” also apply to any for-profit corporation that leases its property to the nonprofit corporation or permits its property to be used by the nonprofit corporation for any purpose. The immunities are from civil liability for injury, death, or loss to person or property allegedly caused by or related to: (1) a concealed handgun licensee bringing a handgun onto the premises or to an event of the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose, or (2) a decision to permit a licensee to bring a handgun onto the premises or to an event of the nonprofit corporation.¹⁵

The bill does not expressly state whether the immunity described in clause (1) would, or would not, apply to the involved for-profit corporation if the nonprofit corporation acts with malicious purpose, or whether the immunity described in clause (2) would, or would not, apply to either involved corporation if the involved for-profit corporation permits that conduct by a licensee, without knowledge of or agreement by the involved nonprofit corporation, while the property is being used by the nonprofit corporation.

Immunity provided for persons

The bill enacts a new immunity provision that specifies that no person is liable in a “tort action” (see below) for injury, death, or loss to person or property allegedly caused by the person’s act of self-defense or defense of another when performed during the commission, or imminent commission, of an “offense of violence” (a defined term¹⁶) to protect the members or guests, including the person’s self, of a nonprofit corporation under the existing immunity provisions for a nonprofit corporation as described above in “**Background**,” against the commission, or imminent commission, of that offense of violence, unless the person’s act constitutes willful or wanton misconduct.¹⁷ As used in this provision, “tort action” means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons; “tort action” includes, but is not limited to, a product liability claim, an asbestos claim, an action for wrongful death, and an action based on derivative claims for relief.¹⁸

Additionally, the bill creates a presumption that a person who approaches or enters a nonprofit corporation’s premises or event with intent to commit an offense of violence is liable for any injury, death, or loss to person or property resulting from an act of self-defense or defense

¹⁵ R.C. 2923.126(C)(2)(d).

¹⁶ R.C. 2901.01, not in the bill.

¹⁷ R.C. 2307.221(B).

¹⁸ R.C. 2307.221(A), by reference to R.C. 2307.60, not in the bill.

of another against that person, unless the person's defensive action constitutes willful or wanton misconduct.¹⁹

The bill specifies that nothing in this provision may be construed to affect any rights to bring a civil action under the provision of existing law that pertains to the bringing of a civil action by a person injured by a criminal act (see below) or any other R.C. section and that the provision does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by another R.C. section or available at common law, to which the person may be entitled under circumstances not covered by that provision.²⁰

The provision of existing law referred to in the bill that pertains to the bringing of a civil action by a person injured by a criminal act, unchanged by the bill, specifies that, subject to a few specified exceptions, anyone injured in person or property by a criminal act has, and may recover full damages in, a civil action unless specifically excepted by law, may recover the costs of maintaining the civil action and attorney's fees if authorized by any provision of the Rules of Civil Procedure or another R.C. section or under Ohio common law, and may recover punitive or exemplary damages if authorized by any R.C. Section.²¹

HISTORY

| Action | Date |
|--|----------|
| Introduced | 03-20-24 |
| Reported, H. Public Health Policy | 06-26-24 |
| Passed House (73-21) | 06-26-24 |
| Reported S. Veterans and Public Safety | --- |

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¹⁹ R.C. 2307.221(E).

²⁰ R.C. 2307.221(C) and (D).

²¹ R.C. 2307.60, not in the bill.