**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑47‑39 AND 44‑7‑266 SO AS TO REQUIRE OFFICE‑BASED PRACTICES AND HEALTH CARE FACILITIES TO CONDUCT AN ANNUAL RISK ASSESSMENT TO IDENTIFY POTENTIAL THREATS TO THE HEALTH AND SAFETY OF PATIENTS, STAFF, AND VISITORS, AND TO IMPLEMENT PLANS TO PROVIDE APPROPRIATE SECURITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40‑47‑39. (A)(1) In order to ensure the safety and well‑being of patients, staff, and visitors, the owner of an office‑based practice shall conduct an annual risk assessment to identify potential areas or situations that may cause harm or where an incident may occur. The risk assessment must include consultation with local law enforcement and local public safety officials about any trends in violent crime or other threats to public safety in the workplace.

(2) Based upon the finding of the assessment, the owner shall develop and implement a plan to provide for the appropriate level of security necessary and to collect data on incidents occurring in the workplace. Any physician or staff working in the office‑based practice must be offered a meaningful opportunity by the owner to participate in the risk assessment and planning process.

(B) An owner of an office‑based practice that violates a provision of this section is subject to a civil penalty of not more than one thousand dollars for a first violation or five thousand dollars for a subsequent violation, to be imposed and collected by the board, if after receipt of written notice from the board of the violation, the owner fails to demonstrate compliance with the requirements of the provision within a reasonable period of time.

(C) For purposes of this section, ‘office‑based practice’ means a physician’s office or location other than a hospital or facility licensed by the Department of Health and Environmental Control.”

SECTION 2. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑266. (A) As a condition of licensure pursuant to this article, a facility shall provide as part of its application to the department a plan to provide for the appropriate level of security to ensure the safety and well‑being of patients, staff, and visitors, which must include a risk assessment of potential areas or situations that may cause harm or where an incident may occur specific to the facility applying for licensure.

(B)(1) In order to ensure the safety and well‑being of patients, staff, and visitors, a facility licensed pursuant to the provisions of this article shall conduct an annual risk assessment to identify potential areas or situations that may cause harm or where an incident may occur. The risk assessment must include consultation with local law enforcement and local public safety officials about any trends in violent crime or other threats to public safety in the workplace.

(2) Based upon the finding of the assessment, the facility shall develop and implement a plan to provide for the appropriate level of security necessary and to collect data on incidents occurring in the workplace. Any physician or staff working in the facility must be offered a meaningful opportunity to participate in the risk assessment and planning process.

(C) A violation of a provision of this section may be grounds for the denial, suspension, or revocation of a facility’s license pursuant to Section 44‑7‑320, if after receipt of written notice from the department of the violation, the facility fails to demonstrate compliance with the requirements of the provision within a reasonable period of time.”

SECTION 3. This act takes effect upon approval by the Governor.

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