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**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**

Date: January 21, 2022

To: Nevada Businesses

Re: New Regulation for Workplace Violence at Medical Facilities (R044-20)

Per NRS 618.7317(2), the Division of Industrial Relations (DIR) shall adopt regulations that:

- a. Prescribe minimum requirements for the procedures for assessing and responding to situations that create the potential for workplace violence included in the plan adopted pursuant to paragraph (b) of subsection 1 of NRS 618.7312.
- b. Prescribe minimum requirements for the procedures of assessing and responding to situations that create the potential for workplace violence included in the plan adopted pursuant to paragraph (b) of subsection 1 of NRS 618.7312.
- c. Prescribe the required contents of a record of workplace violence maintained pursuant to NRS 618.7316.

On December 21, 2021, the Legislative Commission adopted regulation R044-20. The effective date of the regulation is December 22, 2021. Relevant sections of R044-20 are as follows:

- Section 3 – Establishes time periods in which a medical facility is required to report certain incidents of workplace violence to the Division of Industrial Relations.
- Section 4 – Establishes requirements for procedures in a medical facility's plan for the prevention of, and response to, workplace violence.
- Section 5 – Establishes requirements for certain measures to prevent or mitigate risks of workplace violence.
- Section 6 – Establishes requirements for a medical facility to maintain, record and review a log of certain information relating to incidents of workplace violence.

Annual Summary of Workplace Injuries and Illnesses

Per NRS 618.7318(1), medical facilities are required to submit to DIR an annual summary of workplace injuries and illnesses pursuant to 29 CFR 1904.32. Section 6 of R044-20 provides the requirements associated with the information relating to incidents of workplace violence that is required as part of the annual summary. The annual summary will include the prior calendar year's data, which will consist of the

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timeframe between January 1 and December 31. The annual summary will be required by February 1 of the year following the year covered by the records and can be submitted to workplaceviolence@dir.nv.gov.

NOTE: For calendar year 2021, NV OSHA will be exercising enforcement discretion to allow employers time to come into compliance. Employers can submit the required logs no later than April 1, 2022, so long as the employer is making a good faith effort and taking reasonable steps to comply with the regulation.

Additional Resources

1. Per section 6 of R044-20, employers are required to create and maintain a log of workplace violence incidents and record in the log information about every incident, post-incident response and investigation regarding an injury resulting from workplace violence. An optional template for this log has been created and can be accessed at this link:
https://dir.nv.gov/uploadedFiles/dir.nv.gov/content/OSHA/Features/Workplace_Violence_Log.xlsx
2. A link to the Secretary of State's filing which includes the regulation can be found here:
<https://www.leg.state.nv.us/Register/2020Register/R044-20AP.pdf>

If you have any questions, please feel free to contact me at (702) 486-9061 or by e-mail at mrodrigues@dir.nv.gov.

Sincerely,

Michael Rodrigues
Program Coordinator, Nevada OSHA