EXHIBIT 9
DATE 1/31/2013
HB 269

Nurses face rising tide of violence; now a felony to assault a nurse in 38 states - page 2

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Assault of Nurses

- **AR** (HB 1759) increases aggravated assault to a Class C felony.
- **CO** (HB 1105) adds hospital workers to list of victims to current law, which if a person is convicted of third degree assault, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. It also adds to current law that it is third degree assault to throw various bodily fluids to hospital workers.
- **HI** (HB1474/SB 1526) expands the existing law that makes a person who is convicted of assaulting an emergency medical services provider guilty of assault in the second degree to include assaults on medical service providers in non emergency settings.
- **ME** (LD 369) expands the penalty of a Class C felony for assault to include all who provide medical care.
- **MO** (HB 652) adds health care worker to those, if assaulted, results in a Class A felony.
- **NE** (LB 677) seeks to increase the penalties for assault on a health care provider while the health care provider is engaged in the performance of his or her official duties;
- **NJ** (AB1512/AB 2309/SB 911/SB1044) Upgrades the offense of simple assault to aggravated assault if the victim is a health care worker or health care professional who is clearly identifiable as being engaged in his or her duties.
- **NM** (HB305) imposes penalties for assault or battery on health care workers in nursing and other facilities.
- **NY** (AB 3212/AB 3213) amends penal law to include assaults on nursing professionals.
- **OH** (HB 62) increases the penalty for assault to a felony of the 4th degree when the victim is a registered nurse or a licensed practical nurse engaged in the performance of official duties whom the offender knows or has reasonable cause to believe is a registered nurse or a licensed practical nurse.
- **PA** (HB 188) – identifies penalties for assault of care takers in the nursing home and home care settings, and includes all those providing care.
- **TN** (HB 1586/SB 134) expands the scope of the present law to allow "any employer or employee who has suffered unlawful violence or a credible **threat** of violence" to seek such a temporary restraining order or injunction, and broadens the definition of "unlawful violence" to include "intimidation or extortion" in addition to assault, aggravated assault or stalking.
- **TX** (HB 703) makes it a felony of the 3rd degree for assault of a health care services provider.

- **VT** (SB 30) increases the penalty for assault of a nurse from a misdemeanor to a felony.
- **VA** (HB 1690) Classifies battery against a health care provider engaged in emergency care across settings as Class 1 misdemeanor with a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

Employer-run Programs to Address Workplace Violence/Bullying

- **CA** (AB 30) Existing law requires hospitals, not less than annually, to conduct a security and safety assessment , develop a security plan with measures to protect personnel, patients, and visitors from aggressive or violent behavior. This bill requires: the hospital to evaluate and treat an employee who is involved in a violent incident and to provide specified follow up care; filing a report with law enforcement within 24 hours; a hospital to report incidents of assault or battery to the department, as specified and the department make an onsite inspection or investigation when it receives a report from a hospital that indicates an ongoing, urgent, or emergent threat of imminent danger of death or serious bodily harm to patient, personnel, or visitors; annual training of employees assigned to a psychiatric unit; prevents a hospital from taking punitive or retaliatory action against an employee for seeking assistance from local emergency services or law enforcement when a violent incident occurs; and imposes an administrative penalty for violation of the provisions.
- **CT** (SB 970) creates a comprehensive program, with oversight by a hospital safety committee and institutes stiffer penalties of Class C felony for assault of health care personnel.
- **ME** (LD 472) requires hospitals adopt a safety and security plan to protect the patients, visitors and employees of the hospital from aggressive and violent behavior
- **MD** (SB 600) – Defines an abusive work environment and outlines program requirements to address.
- **MA** (SB 56/SD 178) An Act requiring health care employers develop and implement programs to prevent workplace violence.
- **NY** (AB 4856) provides that health care employers develop and implement programs to prevent workplace violence.
- **NY** (SB 3617/AB 4258) establishes a civil cause of action for employees who are subjected to an abusive work environment.
- **OR** (HB 3229) requires certain health care employers to report annually data concerning assaults of health care staff members to the Director of Department of Consumer and Business Services, which in turn would be shared with the legislature.
- **UT** (HB 292) applies to the abusive workplace policies act, broadening the definition beyond that of violence.
- **VT** (SB 52) proposes to protect employees from bullying or being a victim of abusive treatment in the workplace.

- **WVA** (HB 3015/SB 598) depicted as The Healthy and Safe Workplace Act, intends to deter workplace bullying.

Enacted to Date

- Legislation calling for a workplace violence prevention program, study of the issue or reporting of incidents has been signed into law in: **CA, IL, ME, NJ, NY, OR, WA** and **WV**.
- **HI** passed a resolution urging employers to develop and implement standards of conduct and policies for managers and employees to reduce workplace bullying and promote healthful and safe work environments.
- States which enacted legislation to strengthen or increase penalties for acts of workplace violence affecting nurses include: **AL, AZ, CO, HI, IL, MA, NV, NY, NC, NM**, **WA**, and **WV**.