

HB2538 FACT SHEET

ASSAULT; HEALTH CARE WORKER; PREVENTION

Workplace violence against nurses and other health care workers is a disturbing and ongoing problem. Nationally, 1 in 4 nurses has been assaulted at work and health care workers are more likely to be exposed to violence than prison guards or police officers. In Arizona, as nationally, nurses and other health care workers have often been assaulted in emergency departments and other clinical settings.

According to the American Nurses Association 2013-2016 Health Risk Appraisal, almost 10% of nurses fear for their physical safety on the job. The 2011 Emergency Nurses Association (ENA) Violence Surveillance Study (2011) reported that, in a 7-day period, 54.5% of the more than 7,000 responding nurses suffered physical and verbal abuse. These stats are unacceptable.

HB2538

HB2538 seeks to prevent assaults in health care institutions by requiring those institutions with 50 or more employees to:

- develop a work place violence policy which provides for investigations of all assaults, logging and tracking the assaults, assisting the victims in reporting if so desired by the victim,
- review the policy and logs annually to determine if corrective measures may be taken to reduce assaults and prohibit retaliation against a victim for reporting the assault internally or externally.

HB2538 changes the criminal classification of such an assault which results in an injury from a Class 6 undesignated felony to a Class 5 felony.

- This is the same standard used for assaults against prosecutors.
- Currently, it is commonly pled down to a misdemeanor and little penalty results.
- Making assault with injury a Class 5 felony with more consequences may deter future behavior of perpetrators.
- Perpetrators sometimes return to the same or another facility and assault other nurses or health care professionals.