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HOUSE JOINT RESOLUTION NO. 719

Offered January 11, 2017

Requesting the Department of Labor and Industry to study violence against health care professionals in hospital emergency departments. Report.

Patron—Boysko

Referred to Committee on Rules

WHEREAS, hospital emergency departments are volatile environments due to the nature of care being provided and the high number of patients served; and

WHEREAS, nurses and other health care professionals in hospital emergency departments suffer disproportionately from violence in the workplace; and

WHEREAS, the 2017 Nursing's Public Policy Platform reports that nurses in all departments are three times more likely to experience violence in the workplace than other health care professionals and recommends legislative solutions to reduce violence against nurses in the practice setting; and

WHEREAS, § 18.2-51.1 of the Code of Virginia makes it a felony, punishable by imprisonment for a minimum of five years and a maximum of 30 years, to intentionally and maliciously cause bodily injury to a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel, which is defined in § 32.1-111.1 of the Code of Virginia as "individuals who are employed by or members of an emergency medical services agency and who provide emergency medical services pursuant to an emergency medical services agency license issued to that agency by the [State Health] Commissioner and in accordance with the authorization of that agency's operational medical director"; and

WHEREAS, nurses and other health care professionals in hospital emergency departments are not a protected class under the provisions of § 18.2-51.1 of the Code of Virginia; and

WHEREAS, § 18.2-57 of the Code of Virginia makes it a Class 1 misdemeanor, punishable by a term of confinement of 15 days in jail, two days of which are a mandatory minimum term of confinement, to commit a battery against another, knowing or having reason to know that such individual is a health care provider who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital; and

WHEREAS, nurses and other health care professionals in hospital emergency departments commonly underreport violence to protect their patients from criminal penalties; and

WHEREAS, a study of the penalties for violence against nurses and other health care professionals in hospital emergency departments and a system for preventing, identifying, and reporting such violence may ultimately help deter the unacceptable level of violence occurring in hospital emergency departments in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Labor and Industry be requested to study violence against health care professionals in hospital emergency departments.

In conducting its study, the Department of Labor and Industry shall (i) identify the causes of the current disproportionate levels of violence in hospital emergency departments; (ii) analyze whether increasing the penalties for violence against nurses and other health care professionals in hospital emergency departments would lower the occurrence of violence in emergency departments; (iii) assess and make recommendations regarding the establishment of a system for reporting violent acts against nurses and other health care professionals in hospital emergency departments and for training such health care professionals to identify and de-escalate situations that are likely to result in violent acts; (iv) identify whether the imposition of higher penalties for violence in emergency departments or the establishment of the aforementioned system for reporting and training would more effectively reduce violence against nurses and other health care professionals in hospital emergency departments, or both; and (v) recommend other strategies that would help lower the occurrence of violence in hospital emergency departments in the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Department of Labor and Industry for this study, upon request.

The Department of Labor and Industry shall complete its meetings by November 30, 2017, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2018

INTRODUCED

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59 Regular Session of the General Assembly and shall be posted on the General Assembly's website.