

Chair Prozanski and members of the Senate Committee on Judiciary,

Violence in healthcare is rampant and it is a problem. The Bureau of Labor Statistic states that violence in healthcare is almost 4 times the rate of violence of any business in the private sector, and it is climbing. It has been well-studied that healthcare violence is under-reported so it is expected that this incidence rate is much higher.



The Emergency Nurses Association's two-year Emergency Department Violence Surveillance Study (2011) showed that 54.5% of surveyed emergency nurses experienced physical assault and/or verbal abuse within a 7-day period of work.

Assaults on healthcare personnel can be frightening, debilitating, and career-ending. They interrupt the entire healthcare process, affect the safety of the patients and staff, and come with a great price of apprehension, fear, guilt, and pain.

We have been witness to discouragement from law enforcement, district attorneys, hospital administrators and judges. We have watched the lack of enforcement of current law. We have been hurt, we have bled, and we have been broken. We ask that those who *intentionally, knowingly or recklessly* cause harm to hospital healthcare workers be held accountable for their behaviors.

Senate Bill 132 asks that assaults against hospital healthcare employees be classified as a class C felony, which is punishable with up to 5 years imprisonment, a \$125,000 fine, or both. To date, 35 states have similar laws with enhanced penalties for those who would assault healthcare workers in the line of duty. This year, California, Colorado, Massachusetts and South Dakota are looking to pass similar legislation.

Washington State currently has enhanced penalties to those who would commit violence against healthcare workers. It is unfair that employees of the same health system get enhanced protections in Washington State, while in Oregon no enhanced protections exist.

We need your help. We are working on our end to decrease violence in healthcare with education, training and awareness.

The Oregon Emergency Nurses Association asks that you allow this bill to move forward.

Thank you.

William Schueler, MSN, RN, CEN
Immediate Past President – Oregon Emergency Nurses Association
12945 SW Thunderhead Way
Beaverton, OR 97008
bill.schueler@gmail.com

Attached: Written testimony of Chuck Westlund and Barb Ward

It happened just a couple of days after Christmas, 2006. I arrived at my job as a swing shift RN in the Albany Emergency Department. My first patient was a homeless, alcoholic man who had suffered a seizure. By the time I assumed care of this patient, he had recovered from the seizure, was past the postictal period, and was ready for me to discharge him.

The man had soiled his pants during the seizure, so I went to the clothing locker and got clean duds for him to leave in. I had my back turned to the patient and was bending over to pick up his clothes when I heard him shout "I'm gonna kick your ass!" Before I could turn or straighten up -- or even register what was happening -- the man jumped off the foot of the bed, took two running steps across the room, and struck a massive blow at my head with his fist.

Remember, I was half hunched over with my back to the man when he hit me. I never saw it coming, and never had a chance to do the normal, instinctive things a body does when protecting itself from a blow. He totally caught me unaware, flat-footed and defenseless; my own personal Pearl Harbor.

The running blow struck me directly on my left temple -- that soft, absolutely unprotected spot of brain on the side of your head. I have very little memory of what happened next, although when my co-workers arrived they apparently had to pull me off my attacker -- somehow I had taken him to the floor after the punch.

The immediate effect of this was a terrible concussion, but the actual injury was much worse than that. When my symptoms did not improve even slightly after a week, I consulted a neurologist. He informed me that the blow had destroyed the vestibule in my left ear. The vestibule is the part of the ear that connects to the brain and plays a large role in balance and equilibrium.

The next three months were the worst of my life. Anything that caused any movement to my head -- such as being a passenger in a car, walking to the mailbox, or climbing a flight of stairs -- resulted in extreme nausea, vomiting, vertigo and dizziness. I suffered massive headaches. I had hearing problems in my left ear. I was not able to return to work for 3 1/2 months. In fact, I was unable to do much of anything during that time except sit in a chair. Driving a car was out of the question, even riding as a passenger to my doctor's appointments resulted in hours of nausea and vomiting. I normally weigh about 160 pounds. At the worst of my experience, my weight had dropped to 122, a loss of about 20 percent of my body weight.

Eventually the vestibule healed --- or my brain compensated for the destroyed vestibule, my neurologist still isn't sure which --- and I was able to return to work part time, and eventually full time. I am now fully recovered, although I suffer from a permanent, 20 percent hearing loss in my left ear.

The man that hit me was sentenced to 45 days in the county jail, but served only about 10 days due to jail overcrowding. I was out of work for more than 100 days as a result of this assault --- while my assailant served less than two weeks. That's the thing that I still find extremely galling, the absolute lack of any meaningful punishment for this brutal, senseless and totally unprovoked attack on me. That, and the fact that I was never allowed to testify in court, I was never informed of the trial date, and I was never allowed to tell the judge how miserable my life had become, simply because I tried to help another human being. I was the victim of a brutal assault, but I never got my day in court. Nobody in the legal system cared about me.

And that is why I am so eager to help get this new legislation passed. We may never be able to totally end the problem of workplace violence against nurses. But at the very least we need the protection of meaningful laws that will give true punishment to those who assault us.

In summary, the injury I suffered was horrific. But the insult that was added to the injury (the lack of any real legal consequence for my assailant) was horrific as well. I absolutely feel that the legal system did little or nothing on my behalf in the wake of my injury.

Chuck Westlund

To whom it may concern:

January 26, 2015

I was brutally assaulted by a patient while I was at work. I was the triage nurse that day and it was nearly the end of my shift. This patient- a 24-year-old woman, had signed in for an abdominal complaint. She was well known to our emergency department for multiple visits and assaultive and threatening behavior. This day, she did need to wait and others went before her. She eventually made her way back to the triage/intake room, uninvited with the younger of her two children. When I asked her to leave, she sprang from her chair and proceeded to beat me until my co-workers removed her. I suffered a fractured proximal humerus and facial contusions. Additionally, my soul was deeply battered.

The Portland police officer that took my report apologized saying the most he could charge her with was a misdemeanor. She broke my arm with her hands out of anger! A misdemeanor?!!! The charge was eventually changed to a felony by a grand jury after it was learned that both her children were in the room during the assault. She has since plead guilty and soon will be sentenced, hopefully to prison.

This sort of assault against a health care provider should not be tolerated or dismissed, ever. Nor should it be a misdemeanor, ever. These assaults against professionals should be felonies, just like it is for police, fire fighters, paramedics and bus drivers. As healthcare providers we put ourselves in harm's way often. Because of laws in place to ensure patients access to care, we do not have the ability to refuse service to abusive individuals. We need protection in our workplace and legislation in our state.

Thank you,

Barb Ward, RN

Addendum: The 25 year old female assailant was sentenced on January 30th. Her sentence was 5 years of probation, after finishing her current prison sentence for a different crime.