

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: No revenue impact**FISCAL: Fiscal statement issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Jeff Rhoades, Counsel**Meeting Dates:** 4/9

WHAT THE MEASURE DOES: Expands crime of third degree assault to include intentionally, knowingly or recklessly causing physical injury to health care providers in hospitals. Defines health care provider as a person who provides or assists in providing health care services in hospital. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

BACKGROUND: In 2007, the Oregon Legislative Assembly passed House Bill 2022, which requires hospitals and other health care facilities to implement strategies to protect health care employees from acts of violence, such as assault. These entities must have prevention programs and training, as well as ongoing security and safety assessments. The bill also required the Department of Consumer and Business Services (DCBS) to report on violence in the workplace. It found that in 2008 (the last year for which comprehensive data is available), for the 1,061 assaults recorded, 99 percent occurred in a hospital, of which 50 percent were in the behavioral health/psychiatric unit, 13 percent in the medical/surgical unit, and 11 percent in the emergency room. The majority of victims were identified as nursing assistants, orderlies or aides (42 percent), or as registered nurses or licensed practical nurses (32 percent). Nearly 100 percent of assailants were patients. DCBS reported that 80 percent of assaults resulted in minor injury, 18 percent involved major soreness, lacerations, and large bruises, and two percent involved bone fracture or head injury.

Senate Bill 132 expands the crime of assault in the third degree to encompass health care providers. ORS 163.165 already contains certain enhancements which turn conduct which would normally constitute misdemeanor assault into a felony assault. These include, but are not limited to: 1) recklessly causing physical injury to another by means of a deadly weapon; 2) causing physical injury while aided by another actually present; 3) when the victim is an operator of a public transit vehicle; and 4) if the victim is a staff person at a correctional institution. The bill would add health care providers in a hospital, while the provider is performing their official duties.

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This summary has not been adopted or officially endorsed by action of the committee.

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