

House Judiciary Committee

Rep. Lawrence Klemin

Jan. 10, 2023

HB 1121

Good morning, Chairman Klemin and members of the committee. My name is DJ Campbell and I am the Executive Director of Human Resources for Sanford Health Bismarck. Thank you for the opportunity to share information with you today on this important topic.

I am here today to ask for your support of HB 1121. The purpose of this legislative change is to make it a felony if an individual assaults healthcare workers when those individuals are working within their scope of duties within a healthcare facility.

The law in its current state protects healthcare workers in an emergency department or as part of an emergency medical services personnel unit. It also includes as a felony an act where bodily fluids are made to come into contact with a healthcare worker. We are so grateful for these protections, but I'm asking that we send a message that those providing healthcare on the front lines, whether in an emergency department or elsewhere within a healthcare facility, are treated equally when it comes to being on the receiving end of workplace violence. In addition to emergency department personnel, the current statute specifically protects all employees of the state hospital, a person engaged in judicial proceedings and a member of a municipal or volunteer fire department. We are asking that the same protection be given to all healthcare facility personnel across the state.

When we think about the care provided in a healthcare facility, we often think of positive stories of a baby being born, or a loved one going into surgery, or a friend being treated after an accident. We see these types of stories in our social media feeds or we hear these shared by friends and family. When I started with Sanford over two years ago, these are the stories I expected to see and hear. What you don't always hear about are the stories of care provided for individuals due to substance abuse, feuding family members that interfere with patient care, providing care for individuals with a criminal background and even providing care to individuals that were injured while committing a crime.

There may be a belief that assaults on healthcare workers is not commonplace, or that a felony is too severe a penalty for a patient coming to a hospital in need of care. I'm here to tell you that, unfortunately, nurses are four times more likely to be assaulted than any other private industry employees according to the Occupational Safety and Health Administration. Beyond nursing staff, those in the security services and other frontline healthcare roles, such as lab personnel or nutritional services or really any employee within healthcare that comes into contact with patients, family members or visitors are unfortunately at risk for workplace violence.

seeing a decrease much like we did after the increased penalty related to the intentional contact with bodily fluids.

We saw a noticeable decline in bodily fluid contacts after the legislature in 2017 made that behavior a felony. From 2010-2018, the numbers for bodily fluid contacts ranged anywhere from 25-42/year. However, in 2018 we had 25, in 2019 we had 5, in 2020 and 2021 we had 1 and last year we had none. This is a steady decrease since that legislative change showing the felony designation works.

Post-Covid, among a number of other societal factors, has caused a large disruption in the healthcare workforce. Safety plays a critical component in the well-being and engagement of our teams and impacts the retention of our current staff as well as attracting new staff. Annually, we conduct an employee experience survey allowing staff to lead the development of our culture. In the survey, we received a number of comments pertaining to workplace violence when we asked if workloads can be managed safely. One employee answered, "A safe workload depends on a patient's actions. We have training on a regular basis, but it seems patients are being more violent lately."

On another question, when we asked if Sanford Health provides enough support for mental and physical wellbeing, another employee answered, "I do not feel trained or equipped to handle the violence we are seeing on our unit. Also, it is not even a crime to assault nursing staff on our floor, and Sanford needs to get on law makers to change this. So, the physical wellbeing is completely out the window--Sanford earns a 0 here." There are limits to what we can do alone, which is why I stand before you today.

Lastly, I also want to be clear that we do not take reporting a patient lightly. When an assault occurs, there are discussions to identify what happened and why. If the situation is attributable to a patient's underlying condition, we do not make a report. It is only when behavior is purely that, bad behavior, we recommend staff make a report. We need the support of this legislative body affirming that this behavior is unacceptable and is punishable by a felony.

In closing, while I may not be a frontline worker, I have the honor of working with them every day. I get to see their passion, resilience, joy, frustration, heartbreak and fear. Rain or shine or even 2 feet of snow, they show up every day to serve the patients that desperately need them. They do more than care for these patients; they get to know them, they comfort them in their time of need and they make them feel safe. We respectfully request that this legislature make healthcare workers feel safe by ensuring that all members of the team providing care in a healthcare facility are treated the same and willful assaults on them by patients, family and visitors may be considered a felony.

I would be happy to answer any questions. Thank you for your time and your consideration.