

Prevention is Key

Emergency personnel are less likely to experience workplace violence in facilities where hospital administration and ED management are committed to active prevention programs. Cooperation between administration, managers, and staff is necessary for a safe work environment.

- Post incident evaluation is crucial. Work with your employer and those assaulted to assess the events that have occurred
- After the event has been evaluated, feasible corrective measures should be instituted to help prevent future assaults and provide employee safety.
- Provide staff with specific training to help them develop a stronger skill set for recognizing potentially violent patients and events before any acts of violence may take place. With training, the staff can de-escalate acts of violence and maintain a safer work environment for themselves, their patients and others.
- Hospitals can be compliant with recommendations and provide their staff with a safer work place if staff are provided the necessary ongoing training and with the establishment of zero-tolerance policies.

Remember, it is a **JC initiative** for a safe work environment (Sentinel Alert Issue #45), and, is also stipulated recommendations and the law. Every facility is required to have a written workplace violence prevention program that details how these assessments will be conducted. These programs and plans should be available from the employer upon the request of any employee. You can refer to the ENA Violence Tool Kit to assist you in developing one.

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800-900-9659
<http://www.ena.org/IENR/WorkplaceViolence.aspx>

Things to Remember

- Exposure to violence is **not** part of your job.
- There should be a Zero-Tolerance for violence against healthcare providers.
- Know your rights and the law.
- Safety First. Seek first aid if necessary.
- Contact your supervisor, follow hospital policy.
- Call local law enforcement. Make it clear that you want a report made; ask where you can get a copy of it. Making a police report does not mean you are pressing charges. However, if you do not make a police report, you cannot ever press charges. Make a report when assaulted; decide later if you desire to press charges.
- Contact your local District Attorney's office; inform them you want to be advised with respect to your case.
- Keep a journal of the events, Keep copies of all reports and contact numbers, record dates and times of conversations and who you spoke to regarding your case.
- Seek advice from a lawyer as necessary.

References:

ENA, Emergency Department Violence Surveillance Study 2010,

July/August 2009 issue of *The Journal of Nursing Administration*

ENA IENR, Emergency Nurses Association Headquarters
915 Lee Street Des Plaines, IL 60016-6569, 800-900-9659,

NYS PEF Nurses – Violence Against Nurses Survival Handbook,

NYS PEF Albany, NY 12212-2414,

U.S. Department of Labor, Occupational Safety & Health Administration

200 Constitution Avenue, Washington, D.C. 20210,

[http://www.osha.gov/Publications/OSHA3148/](http://www.osha.gov/Publications/OSHA3148/osha3148.html)
[osha3148.html](http://www.osha.gov/Publications/OSHA3148/osha3148.html)

ZERO TOLERANCE

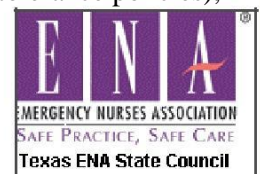
A Resource for Emergency Personnel

Assault of Any Emergency Room Personnel on Duty Is a FELONY

WHAT ARE THE FACTS?

Emergency Department Violence
Surveillance, a study by ENA:

- “Between 64%-87% of the nurses who said they were assaulted did not file a report.”
- “When physical violence was experienced, 44% of the nurses assaulted reported that no action was taken against the assailants, and only 23% of the assailants were given a warning.”
- “When physical violence was experienced, 74.4% of the hospital’s administration was reported to have no response when asked about the violent incident.”
- “Nurses who are male experienced a higher incidence of violence than nurses who are female.”
- “A higher commitment to violence mitigation from hospital administrations and ED management and the presence of reporting policies (especially zero-tolerance policies), were associated with a lower occurrences of physical violence and verbal abuse.”



What Should You Do if You Are Assaulted?

- Safety first! Safeguard yourself, patients, co-workers and others first, and the workplace second.
- You are entitled to immediate medical care and first aid by your employer. If more than first aid is required, you should seek medical attention at the nearest emergency room. This is a work related injury and worker's compensation claim. Follow up with your physician as well.
- If exposure to another person's blood or other potentially infectious material has occurred, post-exposure protocols (OSHA/PESH Blood Borne Pathogens Standard) are required and must be implemented by the employer or the emergency room. Make sure to provide information about the routes of exposure, and identification of the source individual so that appropriate medical treatment can be completed. A copy of the BBP standard and information about the exposure should be provided to the healthcare worker.
- Follow your agency's procedures in reporting the incident. Notify your supervisor and/or manager, and your local law enforcement. Follow your hospital's policies to document the assault. **If you don't report it, it did not happen!**
- Contact your supervisor and Employee Health division to obtain assistance from them and to ensure all benefits and rights are protected as required by the workers' compensation system.
- Services of a qualified psychologist who is an expert in treating psychological trauma may be indicated. Usually, a referral is needed from your physician by the workers' compensation system. Treatment may not be covered without a referral. The physician's diagnosis, treatment, and their evaluation of the degree of disability you have may not be recognized initially. **Your health and well-being are important.**
- Keep copies of all records, bills, and other documentation. Maybe the best way is to initiate a journal of the events. Take notes. Document all contacts, dates, and a small synopsis of the contact conversation. These may be needed in the future. The severity of the assault and long-term medical and psychological impact may not be immediately obvious to you or others. Documentation will only help later.
- Call the District Attorney's office to discuss the charges. Provide reports/evidence as needed to support your case.

What Does the Law State?

By adding emergency room personnel to the listed occupations, the law now states: in part: SECTION 1. Section 22.01(e) (1), Penal Code, is amended to read as follows:(1)"Emergency services personnel" includes firefighters, emergency medical services personnel as defined by Section 773.003, Health and Safety Code, emergency room personnel, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations. SECTION 2. This Act takes effect September 1, 2013.

The Change in Texas Law

After many years of nurses advocating for change, in June 2013, signed into law by Governor Perry after a unanimous vote from the 83rd Session of the Texas legislature, HB 705 amended the current law by adding Emergency Room Personnel to the occupations protected under the law. Cases that were previously charged as misdemeanors will now be charged as Class Three Felony, which carry a sentence of not more than 10 years or less than 2 years in prison.

Your Role with the Criminal Justice Authorities

- If your facility has a policy for reporting the incidents... follow it. Sometimes individual facilities do not report incidents of violence to local law enforcement.
- Some supervisors or even your facility may not want you to press charges. Seek support from your local nursing professional organization and/or district attorney's office.
- **You** must file a police report as soon as possible. Find out which police agency has jurisdiction over the criminal activity that occurs in your facility.
- It may be helpful to have someone you trust to with you while filing the report.
- Sometimes police agencies may not know the law and officials have been reluctant to prosecute patients. Do not be intimidated. **Violence or any assault is NOT part of the job!**
- When you interact with the police and other authorities, **do NOT assume that they are aware of the law.** Bring a copy of the Felony Law with you. Do not let anyone, including law enforcement officers, talk you out of filing a police report.
- You are entitled to a copy of the report. Most police agencies will provide a copy of the report upon your request. However, some police agencies require a written request for a report. Ask how to obtain a copy.
- Contact the DA's office. Keep apprised of the status of your criminal case.
- Consider seeking private legal advice if necessary.

Who Should or Shouldn't be Prosecuted?

- If someone suffers from mental illness, drug/ alcohol abuse, or, other disabilities it is not an acceptable excuse for violence. Each case will be evaluated on its own merit. **Criminal cases should not simply be dismissed by the criminal justice authorities due to an assailant's illness or disabilities.**
- The legal system may also refer the perpetrator to a facility for treatment until they are able to stand trial. The legal system will determine the merits and outcome.