



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

HB 2620: health care workers; assault; prevention

Sponsor: Representative Shah, LD 24
Committee on Health & Human Services

Overview

States a person commits aggravated assault if the person commits the assault knowing or having reason to know the victim is a health care worker engaged in the health care worker's duties. Makes aggravated assault committed against certain personnel a class 5 felony if the assault involved physical injury.

History

Under current law, it is a class 6 felony if a person commits aggravated assault knowing or has reason to know the victim is any of the following:

- 1) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of official duties or summoned and directed by such individual while engaged in the execution of official duties, or if the assault results from the execution of official duties; or
- 2) A certified or licensed health care practitioner or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties ([A.R.S. § 13-1204](#)).

Provisions

1. States a person commits aggravated assault if the person commits the assault knowing, or having reason to know, the victim is a health care worker engaged in the health care worker's duties. (Sec. 1)
2. Makes an aggravated assault committed against the following individuals a class 5 felony if the assault involved physical injury:
 - a) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of official duties or summoned and directed by such individual while engaged in the execution of official duties, or if the assault results from the execution of official duties; or
 - b) A healthcare worker while engaged in the health care worker's duties or a certified or licensed health care practitioner or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. (Sec. 1)
3. Defines *health care worker* as the following:
 - a) A person employed by or contracted to work at a licensed health care institution;
 - b) A person employed or contracted to provide health care or related services in a field work setting including:
 - i. Home health care, home-based hospice and home-based social work, unless the worker is employed or contracted by a person who privately employs, in the person's

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

- residence, the worker to perform covered services for the person or their family member; and
- ii. Any emergency services and transport, including the services provided by firefighters and emergency responders. (Sec. 1)
4. Requires health care employers, within six months of the effective date of the bill, to develop, implement and maintain a written workplace violence prevention plan that does all of the following:
 - a) Includes components specifically tailored to conditions and hazards of the employer's sites and risk factors;
 - b) Identifies the person responsible for implementing and overseeing the plan;
 - c) Requires the conspicuous posting of signs in public areas at each entrance of the employer's sites, including all emergency facilities, that are at least twelve inches by twelve inches in size and that provide notice that assault on a health care worker may be prosecuted;
 - d) Includes reporting, incident response and post incident investigation procedures for healthcare workers and employers; and
 - e) Requires employers to provide information to health care workers about the worker's ability to report any assault to law enforcement and, on request, to assist the worker in reporting the assault. (Sec. 2)
 5. States each health care employer must make its workplace violence prevention plan available at all times to all health care workers and contractors who provide patient care. (Sec. 2)
 6. Stipulates a healthcare employer must investigate a reported workplace violence incident as soon as practicable and do all of the following:
 - a) Review the incident circumstances;
 - b) Solicit input from involved health care workers and supervisors regarding the incident circumstances; and
 - c) Document findings, recommendations and corrective measures taken for each investigation conducted. (Sec. 2)
 7. Mandates each health care employer to provide training and education to its health care workers who may be exposed to workplace violence hazards and risks. (Sec. 2)
 8. Requires each health care employer to maintain the following:
 - a) Records relating to each employer's workplace violence prevention plans; and
 - b) A violent incident log for recording all workplace violence incidents and records of all incident investigations that includes the date, time and location of the incident, an incident description and the nature and extent of injuries to health care workers (Sec. 2)
 9. Asserts health care employers must annually evaluate the implementation and effectiveness of the workplace violence prevention plan, including a review of the violent incident log and compliance with any training, and that the annual evaluation must be documented. (Sec. 2)
 10. Requires health care employers to adopt a policy prohibiting any person from discriminating or retaliating against any health care worker for either of the following:
 - a) Reporting to or seeking assistance or intervention from the employer, law enforcement, local emergency services or a government agency or participating in an incident investigation; or
 - b) Reasonably acting in self defense or defense of others in response to an imminent threat of physical harm. (Sec. 2)
 11. Specifies the above-mentioned provisions do not affect the legal obligations of a health care employer and health care worker pursuant to the protection of patients' rights. (Sec. 2)

12. Defines *health care employer* and *health care worker*. (Sec. 2)