

ARIZONA STATE SENATE

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TO: MEMBERS OF THE SENATE
HEALTH & HUMAN SERVICES
COMMITTEE

DATE: March 15, 2021

SUBJECT: Strike everything amendment to H.B. 2633, relating to assaults; prevention health care workers

Purpose

Establishes that a person who knowingly assaults a health care worker engaged in work duties has committed aggravated assault. Classifies, as a class 5 felony, an aggravated assault against a health care worker that results in physical injury. Directs health care employers (employers) to implement a workplace violence prevention plan (prevention plan).

Background

A person commits aggravated assault if the person commits the assault knowing, or having reason to know, that the victim is any of the following while engaged in the professional's official duties: 1) a peace officer or a person under the direction of such; 2) a constable or a person under the direction of such; 3) a fire fighter, fire investigator, fire inspector, emergency medical technician or paramedic, or a person under the direction of such; 4) a teacher or employee of a school while on school grounds or in any part of a building or vehicle used for school purposes or authorized and organized classroom activities; 5) a health care practitioner or a person under the direction of such; 6) a prosecutor; 7) a code enforcement officer; 8) a state or municipal park ranger; 9) a public defender; or 10) a judicial officer. Generally, aggravated assault under these circumstances is a class 6 felony ([A.R.S. § 13-1204](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes that a person who knowingly assaults a health care worker engaged in work duties has committed aggravated assault, unless the person is unable to form a culpable mental state due to a mental disability or illness.
2. Classifies, as a class 5 felony, aggravated assault that involves physical injury against:
 - a) a health care worker who is engaged in work duties; and
 - b) a fire fighter, fire investigator, fire inspector, emergency medical technician or paramedic, or a person under the direction of such a person, engaged in official duties.
3. Requires employers, by July 1, 2022, to develop, implement and maintain a written prevention plan that:
 - a) includes components tailored to the conditions and hazards of the employer's sites and patient-specific risk factors;
 - b) identifies the individual responsible for implementing the prevention plan;
 - c) requires posting of signs, as prescribed, in public areas through the employer's sites;

- d) requires that workers be informed about their ability to report an assault to law enforcement and, on request, assist the worker in reporting; and
 - e) includes reporting, incident response and post-incident investigation procedures, including procedures for employers to:
 - i. report workplace violence risks, hazards and incidents;
 - ii. respond to reports of workplace violence; and
 - iii. perform a post-incident investigation and debriefing with the participation of health care workers.
4. Directs employers to make prevention plans available at all times to all health care workers and contractors who provide patient care.
 5. Requires employers, as soon as practicable after a workplace violence incident is reported, to:
 - a) investigate the incident;
 - b) review the incident circumstances;
 - c) solicit input from involved workers and supervisors regarding the cause of the incident and if further corrective measures could have prevented the incident; and
 - d) document the findings, recommendations and corrective measures taken for each conducted investigation.
 6. Requires employers to provide training and education to health care workers exposed to workplace violence hazards and risks.
 7. Requires employers to maintain:
 - a) prescribed records relating to each prevention plan including identifying, evaluating and correcting hazards, risks and training procedures; and
 - b) an incident log of reported workplace violence incidents and investigations containing prescribed details.
 8. Requires employers to annually evaluate and document prevention plan implementation and effectiveness, including a review of the incident log and training compliance.
 9. Prohibits employers from discriminating or retaliating against any health care worker for:
 - a) reporting to or seeking assistance from the employer, law enforcement, local emergency services or a government agency or participating in an incident investigation; and
 - b) reasonably acting in self-defense or defense of others in response to an imminent threat of physical harm.
 10. Directs employers to adopt policies prohibiting specified discrimination and retaliation.
 11. Maintains the legal obligations of an employer and a health care worker, pursuant to the patients' rights protections.
 12. Exempts the Arizona State Hospital or any other licensed facility under the jurisdiction of the Superintendent of the Arizona State Hospital from prevention plan requirements.
 13. Defines *health care worker*, *employer* and *mental disability*.
 14. Makes conforming changes.
 15. Becomes effective on the general effective date.