An Act

ENROLLED HOUSE
BILL NO. 2154

By: Roe of the House

and

Thompson (Kristen) of the Senate

An Act relating to health care facility violence; amending 21 O.S. 2021, Section 650.4, which relates to assault and battery upon medical care provider; amending definition of medical care provider to include any employee or independent contractor of a health care facility; amending 21 O.S. 2021, Section 650.5, which relates to aggravated assault and battery or assault with firearm upon medical technician or care provider; amending definition of medical care provider to include any employee or independent contractor of a health care facility; amending 63 O.S. 2021, Section 1-114.3, which relates to warning sign for assault of medical professional; adding requirements for reporting assaults; providing what criteria to report; requiring the State Department of Health to publish data on its website; and providing an effective date.

SUBJECT: Health care facility violence

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2021, Section 650.4, is amended to read as follows:

Section 650.4 A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of a medical

care provider who is performing medical care duties, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. As used in this section, "medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students ~~and~~, members of a hospital security force, and any other employees working in or for a health care facility or independent contractors in one of the listed categories.

SECTION 2. AMENDATORY 21 O.S. 2021, Section 650.5, is amended to read as follows:

Section 650.5 A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of a medical care provider, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than five (5) years, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. As used in this section, "medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students ~~and~~, members of a hospital security force, and any other employees or independent contractors working in or for a health care facility.

SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-114.3, is amended to read as follows:

Section 1-114.3 A. Every hospital, health clinic and ambulance service shall display at all times in a prominent place a printed sign with a minimum height of twenty (20) inches and a minimum width

of fourteen (14) inches, with each letter to be a minimum of one-fourth (1/4) inch in height, which shall read as follows:

WARNING: ASSAULTING A MEDICAL PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A SERIOUS CRIME. Section 650.4 of Title 21 of the Oklahoma Statutes.

B. Every hospital, health clinic and ambulance service shall report by January 31 all assaults for the prior year on all medical care providers in the facility, on facility property, or while performing duties in an official capacity to the State Department of Health on an annual basis without any identifying information regarding the individual who was assaulted or who committed the assault. The following data shall be provided to the Department:

1. An aggregate number of individuals assaulted annually;

2. The type of assault, either verbal, physical, and/or sexual;

3. Role of the perpetrator, either coworker, patient, or patient's family; and

4. Location of the assault.

The State Department of Health shall have rulemaking authority to implement the provisions of this section.

C. The State Department of Health shall not make public any identifiable information in regard to facility, individual or location of assaults, if such information is received. The Department shall publish on its website, on an annual basis, aggregate numbers for the data collected pursuant to subsection B of this section.

SECTION 4. This act shall become effective November 1, 2023.

Passed the House of Representatives the 9th day of March, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the 24th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25th day of April, 20 23, at 2:14 o'clock p. M.

By: Jeremy Curry

Approved by the Governor of the State of Oklahoma this 1st day of May, 20 23, at 4:00 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 1st day of May, 20 23, at 4:38 o'clock p M.

By: Brian Bingman