



CASE STUDY

ASSAULT ON EMERGENCY MEDICAL PERSONNEL

Issue

Violence against emergency department (ED) personnel while at work.

ACEP Position

“The American College of Emergency Physicians believes that optimal patient care can be achieved only when patients, health care workers, and all other persons in the emergency department are protected against violent acts occurring within the department.”

Additionally, ACEP recognizes that the EMS systems are an integral component of emergency care and supports and encourages efforts to protect EMS personnel against physical violence in the prehospital arena.” (adopted January 1993 by the ACEP Board of Directors).

Background Information

The violent trends of our society have been of increasing concern to all citizens, especially to those who practice emergency medicine. Not only do ED personnel treat the results of this violence, but we are beginning to

witness violent acts in our EDs. The shooting of three emergency physicians at Los Angeles County General Hospital in February 1993 was a wake-up call for the Connecticut Chapter of ACEP (CCEP). It was time to address the issue seriously in our state.

Legislative History in Connecticut

Although much of the process of making an ED safer involved internal security changes at individual hospitals, the CCEP Board of Directors decided that it was inappropriate for the Chapter to dictate security measure to each facility. The Board did encourage CCEP members to press for changes in their own EDs as they saw the need. The Board instead decided to explore legislative options, and, after discussion with personnel from the State Legislative Office, obtained information regarding previous and current legislative initiatives and actions by other ACEP chapters. A bill proposed by the Arizona Chapter to increase the criminal penalty against anyone convicted of assault against emergency medical personnel was reviewed and thought to be ideal for CCEP’s purposes.

With the help of LEXIS computer data search provided by the State Legislative Office,

the laws in Connecticut were reviewed, and an existing law, which established the penalty for assaulting police officers, parole officers, firefighters, and paramedics, was chosen to serve as the basis and precedent for our bill. After discussion, the CCEP Board decided that the best political strategy was to work to have ED personnel added to the list of individuals protected by this existing law rather than introduce a separate law for this purpose. Information and data were requested from chapter members around the state to document any recent violent acts or trends toward violence in their departments.

The next step was to discuss this idea with a legislator. We chose State Representative Lenny Winkler, who recently had been a guest speaker at CCEP's annual legislative dinner and, more importantly, was a member of the House Judiciary Committee for informal review. The Chapter gathered as much information as possible on violence in EDs, both nationally and locally, before that meeting with the Committee. This information was reviewed by CCEP, edited, summarized, and sent to all members of the Committee before the meeting. Meanwhile, we discussed specific language for the proposed bill with Representative Winkler, who then had the actual bill written by the Legislative Legal Department.

During this process, CCEP formed a coalition with the Connecticut Emergency Nurses Association (CT ENA) and also gained the support of the state's Office of Emergency Medical Services. A public hearing was held by the Judiciary Committee, and both CCEP and CT ENA gave testimony. Because there was no organized opposition to the bill, our main objectives were to justify the inclusion of ED personnel in the existing law and to show that such a change would be effective in decreasing ED violence.

Those giving testimony stressed the following points, which were well received:

- Violence against ED personnel was a growing problem in Connecticut and in the rest of the nation;
- This was not an issue of special privilege for ED personnel, but one of job safety for professionals providing similar services; and
- Not only would this bill send a clear message to potential assailants, but it also would send a positive message to ED personnel that their jobs were important to society and that threats and acts undermining those jobs would not be tolerated.

Although there had been a trend in the Connecticut legislature to eliminate ineffectual bills that might prove difficult to enforce, no opposition to this bill arose, either from within or from outside the Judiciary Committee, and it passed the committee unanimously. All CCEP members then were mobilized to contact their individual legislators, encouraging passage of this bill. It eventually achieved widespread support, passing the House unanimously on April 20, 1994, and the Senate on April 27, 1994. The Governor signed the bill into law shortly thereafter.

In retrospect, the key factors that ensured the bill's success were as follows:

- The strong relationship with key legislators, so that a member of the legislature on an appropriate committee was willing to champion the bill through the legislative process. This type of bill often does well if it goes to the House and Senate floor for a vote, but can easily be sidetracked and die in committee without an influential legislator to shepherd its passage through the entire process
- Presenting data and personal incidences of ED violence in Connecticut was critical. Demonstrating the extent of the problem in our own state, rather than relying on only national statistics and anecdotes, was invaluable in convincing state legislators that this was or could become a significant problem in their own districts.
- The importance of having chapter members contact their own legislators to encourage passage of the bill cannot be overemphasized. Even a brief mention of a bill in a telephone call or in a letter from a constituent tends to have great influence on the judgment and vote of a legislator, especially on an issue with which the legislator has no personal experience.

Arguments in Favor of this Position

See summary of testimony above.

Arguments Against this Position

Although no significant opposition arose to this bill, it is possible that certain individuals or organizations could oppose similar legislation because it confers a special privilege to emergency physicians and nurses that is not available to most other professionals. These individuals and organizations could try to defeat the measure on the basis of “fairness.”

Legislative History in Other States

Similar legislation passed in Arizona in 1994.

Potential Proponent Organizations

ENA, emergency medical services and paramedic organizations, various antiviolence organizations and coalitions, the state medical association.

Potential Opponent Organizations

Possible opposition could come from trial (defense) attorney organizations, and even from prosecuting attorneys who might fear a flood of new felony cases. Police associations also could be reluctant to see “their” protection extended to other nonpolice personnel, although this is unlikely.

For more information on this issue,
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