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**Strengthening the Penalty for Workplace Violence against Nurses**

**Goal of Legislation:** To expand the Level H Felony for battery against a nurse to all healthcare related workplace settings.

**Recommendation:** Amend Wisconsin State Statute Section 940.xxx, Criminal Code to include battery to licensed nurses.

**Issue:** Licensed nurses are experiencing on the job workplace violence from patients and/or visitors. The current Criminal Code Wisconsin State Statute 940 provides a listing of workers from certain settings who have experienced incidences of workplace violence in which a Level H Felony can be applied. For licensed nurses the only setting in which a Level H Felony can be applied are for those instances taking place in the emergency department. Unfortunately, the incidences of workplace violence against licensed nurses are taking place in many settings and without the advantage of charging the perpetrator with a Level H Felony.

**Facts**

1. The Wisconsin Nurses Association (WNA) conducted a survey of Registered Nurses in the summer of 2013 regarding incidence of workplace violence. The survey asked RNs to provide information regarding their personal experience of workplace violence within a 12 month period. The results of the study indicated that workplace violence involving RNs is occurring beyond the emergency room. Almost 45% incidences occur in acute care – non ED and behavioral health, 17% ambulatory care and 1-3% others - including school, rehab, urgent care, home health, corrections and clinical instructors.

2. The type of battery varied but fell into the general incidences of physical assault – 56%, verbal assault - 94% and sexual assault -14%.

3. The survey findings indicate that during the 12 month timeframe the frequency of physical assault reported ranged from 1 to 3 times – 32 % to 13-plus times 8%.

4. The survey findings indicate that during the 12 month timeframe the frequency of verbal assault reported ranged from 1 to 3 times – 24% to 13-plus times 27%.

5. The survey findings indicate that during the 12 month timeframe the frequency of sexual assault reported ranged from 1 to 3 times 12% to 13-plus times 2%.

6. In 2005 the Bureau of Labor statistics reported that an estimated 1.7 million workers are injured each year during workplace assaults with violent workplace incidents accounting for 18% of all violent crime in the U.S. The healthcare sector led all of the other industries, with 45% of all nonfatal assaults against workers resulting in lost work days.

7. Workplace violence can and does impact retention of employees.

8. Workplace violence does create emotional and mental health effects on the victim.

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