

Peace Orders – Workplace Violence

Senate Bill 846

Before the Senate Judicial Proceedings Committee

March 11, 2020

Position – Support

The University of Maryland Medical System (“UMMS”) supports Senate Bill 846, Peace Orders – Workplace Violence. UMMS is a thirteen member hospital and health system that employs more than 28,000 people.

Senate Bill 846 would: (1) authorize an employer to file a petition for a peace order on behalf of an employee for certain acts or threats against an employee at the employer’s worksite, (2) protect the employee’s address if disclosure would risk further harm to the employee, and (3) grant civil immunity to the employer from any civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee.

This bill is an important measure to promote the safety and well-being of individuals across the state, especially health care workers. Increasingly, sad tales are illustrated in the media of attacks and threats against hospital personnel by discontent patients and families. The incidence of workplace violence in health care settings is pervasive and on the rise.

According to the Occupational Safety and Health Administration (OSHA), approximately 75% of nearly 25,000 workplace assaults reported annually occurred in health care and social service settings. Workers in health care settings are four times more likely to be victimized than workers in private industry. The National Crime Victimization Survey showed health care workers have a 20% higher chance of being the victim of workplace violence than other workers. The Bureau of Labor Statistics (BLS) data show that violence-related injuries are four times more likely to cause health care workers to take time off from work than any other kind of injuries. The Joint Commission’s Sentinel Event data show 68 incidents of homicide, rape, or assault of hospital staff members over an eight-year period.

Alarming, the actual number of violent incidents involving health care workers is likely much higher because reporting is voluntary. Researchers at Michigan State University estimated that the actual number of reportable injuries caused by workplace violence, according to Michigan state databases, was as much as three times the number reported by the BLS, which does not record verbal incidents. (*Sentinel Event Alert, Issue 59, April 17, 2018*).

Unfortunately, the staff in our health system are not immune to workplace violence, nor are these type of incidents limited to emergency rooms or psychiatric departments. By way of illustration, an incident at UM Baltimore Washington Medical Center (“BWMC”) highlights the scope of the problem and why UMMS fully supports expanding the current law to allow an employer to intercede. BWMC had a patient who was unhappy with the outcome of his treatment and blamed the physician. He threatened to “find her,” “get even,” and “make her pay.” On several occasions while the patient was in the hospital, security staff had to respond to prevent harm by the patient to employees. BWMC also learned that the patient had a violent past and was quick to resort to violence.

Throughout this ordeal, the physician was very fearful. Once discharged, BWMC sent certified letters banning him from visiting the hospital except for emergency medical treatment. Nonetheless, the patient returned to the hospital twice. Security staff consulted with Anne Arundel County police who recommended that the physician obtain a protective order; however, the physician feared retribution and did not want to make matters worse.

At the time, under the law, only the “victim” could seek a protective order. The hospital could not apply on her behalf or shield her address.

Medical professionals and health care personnel, especially in hospitals, are extremely vulnerable. Hospital workers have a public schedule and work in an environment that is open to the public. Victims are very frightened and may not seek a protective order for fear of escalating an aggressor’s behavior. The ability for a hospital to obtain a protective order on behalf of the victim protects not only the targeted employee, but also protects other employees and guests in the facility as well. This legislation will provide needed additional protections for victims of workplace violence.

For these reasons, the University of Maryland Medical System urges a favorable report on SB 846.

Respectfully Submitted,

Stan Mezewski

Security Director, Baltimore Washington Medical Center

President, International Association of HealthCare Security Directors, Maryland Chapter

Donna L. Jacobs, Esq.

Senior Vice President

Government, Regulatory Affairs and Community Health

University of Maryland Medical System