

# **Resnick SB0298 Written Testimony.pdf**

Uploaded by: Beth A Resnick

Position: FAV

Criminal Law - Threat Against Public Health Official or Hospital Staff Member – SB0298  
Senate Judicial Proceedings Committee  
Testimony in Favor  
Beth Resnick  
2/08/2022 1:00pm

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and members of the Committee

My name is Beth Resnick. I am a Senior Scientist in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. The first decade of my career was spent working at the National Association of County and City Health Officials (NACCHO) to support and advance the capacity of our nation's nearly 3,000 local health departments. I am honored to come before this committee, and I am here today to ask you to give a favorable report on Senate Bill 0298.

The opinions expressed herein are my own and do not necessarily reflect the views of The Johns Hopkins University.

From harassment to death threats to protests and even shots fired at their homes, public health officials in Maryland and across the country have been the focus of attacks and intimidation that have added to the already immense pressure they are experiencing as they do their jobs to prevent illness and death. This harassment includes the families of public health officials too, and many of these incidents have included threats related to race, gender, religion, and sexual orientation. Through this bill, Maryland can protect its public health officials to do the jobs they were hired to do: to protect and promote the health of all Marylanders.

Our research of local health departments across the country with the National Association of County and City Health Officials from March 2020 through January 2021 identified over 1,500 incidents of harassment and over half of the local health departments responding to our survey reported at least one incident of harassment<sup>1</sup>. Here in Maryland, all of our 24 local health officers have experienced harassment over the course of the pandemic, ranging from angry messages, yelling and picketing at their offices and at public meetings, to threats to them and their family members in public settings such as the grocery store or directed at their children at school.

The widespread harassment of public health officials negatively impacts community health due to fears for worker safety, job dissatisfaction, and an exodus from the field. A 2021 Centers for Disease Control and Prevention study of employees in state, tribal and local health departments across the country

found 26% respondents experienced stigma or discrimination because of work, 24% felt bullied, threatened, or harassed because of work, and 12% received job-related threats because of work.<sup>ii</sup>

Public health officials came to public health committed to save lives. They are now leaving in the wake of attacks and harassment - depleting, demoralizing, and stymying our public health system just when we need it most. Since the start of the pandemic, 7 public health officers in Maryland local health departments have left their positions<sup>iii</sup> – losing critical public health leadership in Maryland local communities just when we need it most.

This legislation protects public health officials to do what they were hired to do: protect and promote the health of all Marylanders. I urge you to give a favorable report. Thank you.

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<sup>i</sup> Ward J, Stone E., Mui P., Resnick B. Pandemic-related workplace violence and its impact on US public health officials, March 2020 – January 2021. *American Journal of Public Health* (in press).

<sup>ii</sup> Bryant-Genevier J, Rao CY, Lopes-Cardozo B, et al. Symptoms of Depression, Anxiety, Post-Traumatic Stress Disorder, and Suicidal Ideation Among State, Tribal, Local, and Territorial Public Health Workers During the COVID19 Pandemic — United States, March–April 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:947–952. DOI: <http://dx.doi.org/10.15585/mmwr.mm7026e1>

<sup>iii</sup> Maryland public health officer departures: Carol, Caroline (2), Charles, Harford (2), and Montgomery counties.

# **SB298.Favorable.BrookeTorton.pdf**

Uploaded by: Brooke Torton

Position: FAV

**To:** Senate Judicial Proceedings Committee

**From:** Brooke Torton, attorney with the University of Maryland Carey School of Law, 500 W. Baltimore Street, Baltimore, Maryland 21201

**Re:** Testimony in Support of SB298

My name is Brooke Torton and I am an attorney employed at the University of Maryland Carey School of Law, though I submit this testimony in my individual capacity.

SB298 establishes criminal penalties for those who threaten public health officials and hospital staff members to intimidate them or interfere with their official duties. Although Maryland has existing law which criminalizes threats made specifically against local elected officials and some state officials, it does not extend these protections to public health officials.

In my professional capacity, I have the honor and privilege of working closely with state and local public health officials all across Maryland and nationwide. Since the onset of the pandemic in March of 2020, these officials have worked tirelessly to respond to the public health emergency while facing countless credible and personal threats. This has disrupted their official duties and, in many cases, upended their personal lives. In response to the need for public health official support and legal resources due to these threats and harassment, I completed a 50-state survey to identify which states criminalize threats made against these officials. Thirty-five states and Washington D.C. have codified laws which protect public health officials in these circumstances. Unfortunately, Maryland is in the minority and is not one of these states.

Passing SB298 sends a clear message to perpetrators that public health officials are worthy of the same protections as other government officials. I urge a favorable report for SB298 and encourage you to join the other 35 states and Washington, D.C. who have already taken action to offer these protections for public health officials. I have included the 50-state survey with my testimony.

# **SB0298\_Threat\_Against\_Public\_Health\_Official\_MLC\_F**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0298

### Criminal Law - Threat Against Public Health Official or Hospital Staff Member

**Bill Sponsor:** Senator Young

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0298 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Our medical professionals are under assault. Beyond having to deal with a rampaging pandemic, they are under assault from people who no longer act in a civil fashion. We have gone past disagreeing with someone's viewpoint to threatening them. Nurses, doctors and public health officials have been spit on, pushed, cursed at, and even received death threats for simply trying to do their job. They are very much in need of protection.

This bill will make it a misdemeanor to threaten a public health professional, with a penalty of up to \$500 and up to 90 days in jail. This could not be more welcome.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

**SB0298 \_FAV\_MedChi, MDACEP\_Threat Against PH Offic**

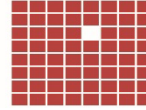
Uploaded by: Christine Krone

Position: FAV





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**Maryland Chapter  
AMERICAN COLLEGE OF  
EMERGENCY PHYSICIANS**

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*The Maryland State Medical Society*

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**TO:** The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Ronald N. Young

**FROM:** Christine K. Krone  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

**DATE:** February 8, 2022

**RE:** **SUPPORT** – Senate Bill 298 – *Criminal Law – Threat Against Public Health Official or Hospital Staff Member*

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The Maryland State Medical Society (MedChi) and the Maryland Chapter of the American College of Emergency Physicians (MDACEP) **support** Senate Bill 298.

Senate Bill 298 makes threatening a public health official or hospital staff member a misdemeanor. The pandemic has caused an increase in threats of violence against health care providers and public health officials. Patients, hospital visitors, and the public upset with the enforcement of safety rules, masking policies, and limits to patient visitation are increasingly harassing and threatening public health officials and health care workers. Passage of Senate Bill 298 is an important step forward in the effort to curb threats against the very people trying to keep the public safe. MedChi and MDACEP urge a favorable report.

**For more information call:**

Christine K. Krone  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
410-244-7000

# **SB 298 - LifeBridge Health- Criminal Law - Threat**

Uploaded by: Christopher Jagoe

Position: FAV



SB298 – Criminal Law - Threat Against Public Health Official or Hospital Staff Member  
Senate Judicial Proceedings Committee – February 8, 2022  
Testimony of Christopher Jagoe, Director, Security Support Operations, LifeBridge Health  
Position: **SUPPORT**

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I am writing to SUPPORT SB298. LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, an independent academic medical center; Levindale Geriatric Center and Hospital in Baltimore; Northwest Hospital, a community hospital in Baltimore County; Carroll Hospital, a sole community hospital in Carroll County, and; Grace Medical Center in Baltimore (formerly Bon Secours Hospital).

Threats of violence and acts of violence are increasing in both occurrence and severity in the health care setting. Hospitals, physician offices, pharmacies, clinics and other sites are open to the public and should be places of refuge and service for individuals who are sick and seeking medical care. According to the Occupational Safety and Health Administration (OSHA), approximately 75 percent of workplace assaults reported annually occurred in health care settings. Violence-related injuries are four times more likely to cause health care workers to take time off from work than other kinds of injuries, thereby indirectly hampering provision of patient care. The experience of workplace violence has not only physical consequences, but personal, emotional, and professional consequences as well.

LifeBridge Health continuously enhances its processes to prevent workplace violence to protect employees, patients and visitors. For example, we use electronic systems for reporting and tracking incidents, implement zero tolerance policies, provide training on de-escalation techniques, install expensive surveillance technology and access control systems, add off-duty & special police officers to our rolls, and in high-risk areas, disseminate personal wearable safety alarms, among other interventions.

ALL personnel are subject to threats in the health care setting, not only clinical personnel such as physicians, nurses and therapists, but also patient transporters, admissions, financial counselors, food service, environmental services, social workers, security officers, patient advocates, and many others. Threats occur from patients, families, and visitors. For example, visitors who don't want to leave when visiting hours end threaten and/or assault clinical and security staff. Family members threaten to kill a surgeon or nurse who treat a gunshot patient if the patient dies. Patients or visitors threaten staff transporting a patient for a procedure, or a patient advocate trying to console them. Even security personnel dispatched to assist staff are threatened. Further, threats occur in all health care settings – physician offices, pharmacies, etc. *Because of the pervasive scope of this threat, we request that the bill be amended to clarify that ALL staff employed or contracted by any health care provider performing duties onsite are covered by the bill.*

For all the above stated reasons, we request a **FAVORABLE** report for SB298.

For more information, please contact:  
Martha D. Nathanson, Esq.  
mnathans@lifebridgehealth.org  
443-286-4812

**SB0298 testimony- Clare Madrigal.pdf**

Uploaded by: Clare Madrigal

Position: FAV

**SB0298 - SUPPORT  
Emergency Bill**

Threat Against Public Health Official or Hospital Staff Member

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

When I started as an emergency nurse in 2007, it was made clear that verbal and physical violence was just “part of the job.” Going home with bruises and emotional trauma has been normalized. As healthcare providers during this especially difficult time, enduring daily abuse is unacceptable, and adding to the mounting burnout and nurses leaving the profession.

More recently I’ve had a few attacks that have affected me mentally and physically. At the very beginning of the pandemic in 2020, a very aggressive violent patient needed to be restrained by multiple staff, for their and our safety. This patient was large, strong and unwaveringly angry. During the attempt to restrain them, I was grabbed and not able to break free. It took multiple people to pry their grip off of my arm. In 15 years I have never been as scared of a patient as I was at that moment. I had bruises and pain for weeks.

While in triage, where people arrive, another patient, began yelling homophobic slurs. We got the patient back to their room, and they turned their aggression on me. For the next 8 hours, I had to endure disrespectful, homophobic verbal abuse from this patient while I had to care for them with compassion and empathy.

The most recent incident left me with bruises on my arms and stomach after a patient began punching and kicking me, while in a locked area. Thankfully security staff was close by or I would have been more hurt. Due to the age and circumstance of the patient, this was a difficult situation all around. After reporting this issue to my charge nurse, management had reached out to see what I needed. I asked to not be put in that area of the emergency department for awhile. A few short weeks later I was assigned to the area I requested not to be. When I brought up the previous incident, I was told that due to staffing shortages I would have to go there anyways.

These are just snap shots of hundreds of verbal and physical assaults I’ve experienced in 15 years. As with all of the incidents, I documented each through the hospital internal complaint system. But it often feels like it goes nowhere, and nothing is ever

implemented to prevent or mitigate the situation. We continue to get treated like punching bags, with no repercussions. Not even a sign indicating aggressive behavior will not be tolerated.

There needs to be an understanding that this behavior will not be tolerated. We need action and accountability for these violent and disrespectful behaviors. We need your help. Please pass State Bill 0298 and help keep your hospital staff safe.

With much appreciation,

Mx. Clare Madrigal, BSN, RN (she/her)

# **SB 298 Hospital Personnel.pdf**

Uploaded by: Denise Riley

Position: FAV



*A Union of Professionals*  
**AFT-Maryland**

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Marietta English  
PRESIDENT

Kenya Campbell  
SECRETARY-TREASURER

**Written Testimony Submitted to the  
Maryland House Judiciary Committee  
SB 298 - Criminal Law - Threat Against Public Health Official or Hospital Staff Member  
February 8, 2022**

**SUPPORT**

Chair Smith and members of the committee, on behalf of the American Federation of Teachers - Maryland (AFT-MD), which represents more than 20,000 educators, government, and healthcare workers across Maryland, I urge you to support SB 298 - Criminal Law - Threat Against Public Health Official or Hospital Staff Member

The purpose of the bill is to prohibit a person from making or sending a threat to a public health official or hospital staff member. Our members in state hospitals work with court involved patients and endure a higher level of abuse already. Over the last few years these occurrences of threats and abuse have increased. Most of the time nothing is done because the patient is already in custody; however, in some cases the police must be notified because of specific threats to personnel.

AFT-MD supports legislation that will give another level of protection to our members when individuals are threatened. We ask this committee for a favorable report on SB 298. Thank you.

Kenya Campbell  
President



**SB298\_FrederickHealth\_Fav.pdf**

Uploaded by: Diane McFarland

Position: FAV

SB 298

Diane M. McFarland, Frederick Health

Favorable

Dear State Senators and distinguished members of the committee,

My name is Dr. Diane McFarland, and I am a Registered Nurse serving as the Chief Nursing Officer, Vice President of Patient Care Services at Frederick Health in Frederick, Maryland. I have been a registered nurse for 30 years with most of my career in the DMV area at both community and academic hospitals. During my career, I have worked as a clinical nurse in a Trauma/Surgical ICU, an Emergency Department, a Cardiac Step-Down unit, and in a Post Anesthesia Care unit. I have also worked as a Hospital Supervisor, a Nursing Director, and now in my current role as a Chief Nursing Officer. As my background and experience indicate, I have a strong knowledge and expertise in the professional practice of nursing.

The occurrence of verbal and physical assault has significantly increased since my career began 30 years ago. Many refer to the significant increase in assaults directed at healthcare workers as the “silent epidemic.” I can attest that I have personally suffered verbal and physical abuse. I have been punched, kicked in the chest, bitten, and called every profanity known on many occasions. The American Nurses Association reports that 1 out of 4 nurses experience an assault on the job. For Frederick Health this means of our 1,112 registered nurses working within the health system, 278 experienced a physical or verbal assault.

Threats and assaults to nurses and other healthcare workers has exacerbated since the COVID-19 pandemic. At Frederick Health, we have seen a 190% increase in aggression and verbal abuse against healthcare workers since the start of the pandemic. In 2021, a total of 466 aggressive or threatening events that required a response from Security were reported at Frederick Health Hospital alone. This equates to 1.3 events per day, and these are the ones reported. Who knows what that number would be if unreported events were included?

Nurses want to provide compassionate and empathic care to patients. However, if physical and verbal assaults are not curtailed, many hospitals will be permanently understaffed. Nationally, its estimated that 500,000 nurses are expected to leave the profession by the end of 2022, creating a shortage of 1.1 million nurses. The “silent epidemic” is unknown to the public, but it is well-known among those who provide bedside care and organizations monitoring workplace violence. The healthcare industry leads all other sectors in the incidence of nonfatal workplace assaults. According to the U.S. Bureau of Labor Statistics, healthcare workers experience the highest rates of injuries caused by workplace violence and

are five times more likely to be injured due to workplace violence than workers in other industries. We cannot afford to lose any nurses due to assaults, verbal abuse, or threats.

Currently 38 states have established or increased penalties for assault of "nurses". Unfortunately, Maryland is not one of them. The passing of SB 298 is critical so we can protect and retain the dedicated, compassionate, and caring nursing workforce that are committed to caring for you, your families and fellow Marylanders. It is an honor to provide oral testimony on SB 298 which supports making it a misdemeanor to make or send a threat to a hospital staff member.

Thank you for the opportunity to represent the voice of nursing in this important legislation, SB298.

**SB0298-JPR\_MACo\_SUP.pdf**

Uploaded by: D'Paul Nibber

Position: FAV



## Senate Bill 298

### *Criminal Law - Threat Against Public Health Official or Hospital Staff Member*

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 8, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** SB 298. This bill would create criminal penalties for threats leveled against employees of state and local health departments and hospital staff members as they attempt to carry out their duties. For the 2022 legislative session, MACo has prioritized the wellbeing of public-facing civil servants - including those who operate our local health departments - as one of its four legislative priorities. Especially during a pandemic, no health care worker should be subject to a work environment made even more difficult due to threats and harassment.

In late 2021, The National Association of County and City Health Officials (NACCHO) pressed the federal government to intervene and protect local public health officials from threats of violence. Since the onset of the COVID-19 pandemic, these officials have been subject to heightened pressures and scrutiny for actions taken to save lives. The resulting impact has been devastating.

NACCHO reports more than 300 public health department leaders have left their posts throughout the pandemic. In Maryland, two prominent health officers resigned during this same period. MACo's affiliate, the Maryland Association of County Health Officers, reports threats and harassment to its members have increased in volume and intensity in response to decisions made to protect the public from the COVID-19 virus.

In response, the state should both protect and reaffirm the importance of our health care workers, both public and private. For this reason, MACo **SUPPORTS** SB 298 and urges a **FAVORABLE** report.

**SB 298\_CEGardner\_fav.pdf**

Uploaded by: Jan Gardner

Position: FAV



**JAN H. GARDNER**  
**Frederick County**  
**Executive**

**SB 298**

**Criminal Law – Threat Against  
Public Official or Hospital Staff  
Member**

**County Position: FAVORABLE**

Date: February 8, 2022  
Committee: Judicial Proceedings

Frederick County Executive Jan Gardner urges your **SUPPORT** for Senate Bill 298 – Criminal Law – Threat Against Public Health Official or Hospital Member.

Our Health Officers and hospitals have mounted an exceptional response to the COVID-19 global pandemic. For more than two years now, Local Health Departments and the doctors, nurses and staff at hospitals across our state have provided front-line services which include testing and vaccinations. Hospital staff continue to care for patients with COVID-19 even as their emergency rooms, ICUs and bed capacity reach saturation points. In this challenging and difficult environment, they have delivered high quality and tireless service, even in the face of threats and hostility.

County Executive Gardner supports the provisions in the proposed legislation that:

- Creates penalties for threats made against state and local health department officials and employees, and hospital staff as they perform their duties;
- Protects and prioritizes the health and well-being of these caretakers and they fulfill their responsibilities in taking care of our residents; and
- Affirms the value of our state’s public and private health care workers, their role in protecting public health, and their efforts in meeting the challenges of a historic health crisis.

Frederick County Executive Gardner **SUPPORTS** a **FAVORABLE** report for Senate Bill 298.

# **SB 298 Criminal Law - Threat Against Public Health**

Uploaded by: Jane Krienke

Position: FAV





Maryland  
Hospital Association

**Senate Bill 298 - Criminal Law - Threat Against Public Health Official or Hospital Staff  
Member**

**Position: Support**

February 8, 2022

Senate Judicial Proceedings Committee

**MHA Position**

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 298.

Maryland is facing a staggering health care workforce crisis with more than 3,900 nursing vacancies in hospitals statewide—a 50% increase since August 2021. At the same time, our remaining staff, after 700 days on the frontlines of the COVID-19 pandemic, also sadly are facing a rise in workplace violence.

Rates of nonfatal workplace violence against health care workers spiked since 2011—accounting for 73% of all nonfatal violent injuries and illnesses in 2018.<sup>1</sup> Violence in the workplace takes a toll and leads to higher staff turnover, absenteeism, deterioration of employee morale, and burnout.<sup>2</sup>

MHA supports the intent of SB 298, however, since threats can occur against hospital staff who are not providing personal care or medical treatment to patients, **we recommend broadening this definition to include any individual employed by the hospital.** Expanding this definition will help ensure all employees are protected regardless of their job title and duties.

Hospitals' top priority is the safety of their patients, staff, and visitors. Hospitals proactively improve safety, including making investments in duress buttons to allow staff to quickly call for help and forming de-escalation teams led by social workers, rather than security personnel.

Despite these efforts, health care workers continue to share stories of being kicked, bitten, spit at, and threatened. Hospitals should be safe places of health, hope, and healing where staff can focus on delivering care and supporting the needs of patients and their families. SB 298 offers a tool to support and retain our hospital heroes and encourage those considering careers in health care.

For more information, please contact:  
Jane Krienke, Legislative Analyst, Government Affairs  
Jkrienke@mhaonline.org

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<sup>1</sup> U.S. Bureau of Labor Statistics. (April, 2020). "[Fact Sheet: Workplace Violence in Healthcare, 2018](#)".

<sup>2</sup> Cost of Community Violence to Hospitals and Health Systems: Report for the American Hospital Association. (July 26, 2017). [Cost of Community Violence to Hospitals and Health Systems](#).

**BaltimoreCounty\_FAV\_SB0298.pdf**

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

JOEL N. BELLER  
*Acting Director of Government Affairs*

JOSHUA M. GREENBERG  
*Associate Director of Government Affairs*

MIA R. GOGEL  
*Associate Director of Government Affairs*

**BILL NO.:**            **SB 298**

**TITLE:**              Criminal Law - Threat Against Public Health Official or  
Hospital Staff Member

**SPONSOR:**        Senator Young

**COMMITTEE:**     Judicial Proceedings

**POSITION:**       **SUPPORT**

**DATE:**             February 8, 2022

Baltimore County **SUPPORTS** Senate Bill 298 – Criminal Law – Threat Against Public Health Official or Hospital Staff Member. This legislation would protect healthcare workers by prohibiting threats against public health officials.

Over the past two years, health care workers have tirelessly fought the COVID-19 pandemic. This has been made even more challenging by surges in cases due to the Delta variant, and current surges due to the Omicron variant requiring health care staff to work overtime. In addition to this, there have been a rise in threats toward those working in the healthcare system. Public health officials on the front lines deserve to work in a secure and stable environment that encourages optimal performance and preserves their mental and physical health.

Senate Bill 298 would protect public health workers in the state from the rising threats against them. These threats include those that intentionally intimidate, interfere with, or impede staff from performing their duties. Violators of this act would be charged with a misdemeanor, a potential 90 day imprisonment and a fine up to \$500. This bill is crucial for the protection of some of Maryland’s most essential workers.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 298. For more information, please contact Joel Beller, Acting Director of Government Affairs at [jbeller@baltimorecountymd.gov](mailto:jbeller@baltimorecountymd.gov).

# **MRHA SB298-Threat Against Public Health Official o**

Uploaded by: Kathleen Hays

Position: FAV



## **Statement of Maryland Rural Health Association**

To the Senate Judicial Proceedings

February 4, 2022

Senate Bill 298- Threat Against Public Health Official or Hospital Staff Member

### **POSITION: SUPPORT**

Chair Smith and Vice Chair Waldstreicher and members of the Committee, the Maryland Rural Health Association (MRHA) is in SUPPORT of House Bill 323 which would offer important protections to Maryland's health care workforce.

MRHA strongly supports this emergency legislation. At a time when public health officials and hospital staff are under tremendous pressure to care for our communities in the midst of a pandemic, unfortunately, these professionals are also increasingly on the receiving end of harassment, threats and workplace violence. This legislation is appropriate and timely.

MRHA's mission is to educate and advocate for the optimal health and wellness of rural communities and their residents. Membership is comprised of health departments, hospitals, community health centers, health professionals, and community members in rural Maryland.

Our top legislative priority this year is to "advance and support initiatives that respond to rural health care workforce needs, critical shortages, and future pipelines along with preventing workplace violence."

MHRA believes this legislation is vital to support our rural communities and we thank you for your consideration.

*Jennifer Berkman, Board President, [jennberkman@gmail.com](mailto:jennberkman@gmail.com)*

# **SB 298 - Letter of Support - Lori Brewster.pdf**

Uploaded by: Kelly Ward

Position: FAV



# Wicomico County Health Department

108 East Main Street • Salisbury, Maryland 21801

Lori Brewster, MS, APRN/BC, LCADC • Health Officer



## SENATE BILL 298

*Criminal Law – Threat Against Public Health Official or Hospital Staff Member*

LETTER TO THE JUDICIAL PROCEEDINGS COMMITTEE

For the Maryland Association of County Health Officers (MACHO)

Lori Brewster, MS, APRN/BC, LCADC, Health Officer, Wicomico County

*Position: – Support – February 4, 2022*

Dear Chair Smith and Vice Chair Waldsteicher,

My name is Lori Brewster, Health Officer for the Wicomico County Health Department. On behalf of the Maryland Association of County Health Officers (MACHO), the professional association of the chief executives of the state's 24 local health departments, I am writing **in support of Senate Bill 298**.

Since March 2020, health officials across the country, including local health officers here at home, rushed to implement life-saving prevention and mitigation measures in response to the unprecedented emergence and spread of SARS-CoV2, better known as COVID-19. As new information on COVID-19 emerged constantly, we learned on-the-go while simultaneously fighting the virus on all fronts. Initially, communities rallied behind us in the efforts to stem COVID-19, but as the pandemic persisted many understandably grew weary of the measures used and some began to act out their frustrations upon the local health officers and health department staff.

While carrying out COVID-19 prevention and mitigation measures, my staff and I have been:

- Harassed via phone calls, social media messages, emails, and in-person.
- Intimidated while enforcing COVID-19 measures
- Threatened with bodily harm and verbally abused while enforcing COVID-19 orders

When discussing my experiences with my colleagues, this harassment and intimidation of health officials is a common occurrence during this pandemic. As a health officer, it is my duty to recommend and follow science-based measures to help my community prevent disease/illness and remain healthy. In doing my job, there have been times where I have feared for my own safety as well as my staff's.

In conclusion, the ongoing threats and intimidation of public health officials in our professional capacity have deep effects on the health and safety of our community as well as us personally. In light of these menacing acts, we need protection and support to fulfil our duty to the public and make it safe for our staff to continue the arduous fight against COVID-19. I urge you to support this legislation.

Thank you for your time and invitation to address the committee.

For more information, please contact Ruth Maiorana, Executive Director, MACHO, at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433.

**SB 298 - Larry Smith - Testimony 2-8-2022.pdf**

Uploaded by: Larry Smith

Position: FAV





MedStar Health

**SB 298 – Criminal Law – Threat Against Public Health Official or Hospital Staff Member**

**Testimony by Larry Smith in *Support***

February 8, 2022

Senate Judicial Proceedings Committee

**Bill Summary**

SB 298 makes it illegal for a person to make or send a threat to a health official or hospital staff member. Anyone in violation is guilty of a misdemeanor and on conviction is subject to imprisonment not to exceed 90 days or a fine not to exceed \$500 or both.

**MedStar Health's Position**

My name is Larry Smith, and I am Vice President of Risk Management Services at MedStar Health and Chair of MedStar's Associate Safety Committee.

Of the issues involved in ensuring the wellbeing and safety of our associates, workplace violence against members of our staff is one of our greatest challenges. Despite our efforts to combat this serious problem, the number of violent incidences increase each year, as does the seriousness of the physical and psychological harm experienced by our staff.

This is not just a healthcare issue it is a public health issue. At a time when we have a nationwide shortage of physicians and nurses, workplace violence is causing experienced and talented healthcare professionals to be lost from the workplace.

- Some because of injury. Those requiring time off from work to recuperate from workplace violence were four times more frequent in healthcare than in other industries, according to the Occupational Safety and Health Administration (OSHA).
- Some healthcare associates are lost for good, as workplace violence is associated directly with higher incidence of burnout, and some who experience workplace violence decide that the risk is too great and leave their position to find work in a safer environment.

MedStar Health believes strongly that violence in the workplace is not “part of the job”. Our associates deserve the right to know that they will be going home safely to their family after they complete their shift. MedStar has taken a number of steps aimed at trying to prevent workplace violence in our workplace.

In 2017, MedStar Health established a Workplace Violence Prevention Committee, and since that time has:

- Developed a zero-tolerance policy for workplace violence;
- Developed and implemented a systemwide electronic system for reporting incidences of workplace violence;
- Provided personal wearable safety alarms
- Provided de-escalation and defensive physical skills training to over 2,400 associates working in three high-risk areas (security, behavioral health, and emergency medicine);
- Implemented an mandatory annual training module for all 30,000 associates focused on understanding workplace violence and what every associate needs to know to help ensure their safety and the safety of others;
- Provided de-escalation training for over 8,000 associates whose responsibilities place them in a position of dealing directly with patients, visitors, and other members of the community;
- Produced and distributed a training video regarding the response to an active shooter/armed assailant situation.

Despite these efforts, more is needed. Although these efforts at prevention are vitally important, what also is needed is evidence to our healthcare heroes that we are ready to respond appropriately when these events occur.

MedStar Health supports the intent of SB 298, however, since threats can occur against hospital staff who are not providing personal care or medical treatment to patients, **we recommend broadening the definition to include any individual employed by the hospital.** Expanding the definition will ensure all hospital employees are protected regardless of their job title or duties.

For the reasons above, we ask that you give SB 298 a ***favorable*** report.

**MoCo Commission on Health SB298 FAV.pdf**

Uploaded by: Leslie Frey

Position: FAV



Montgomery County Commission on Health

**Testimony in Support with Amendment of Maryland Senate Bill 298  
Criminal Law – Threat Against Public Health Official or Hospital Staff Member  
Tuesday, February 8, 2022**

To: Chairman Smith and Members of the Judicial Proceedings Committee  
From: The Montgomery County Commission on Health

As an advisory board focused on public health, the Montgomery County Commission on Health (COH)<sup>1</sup> stands against hate, violence, and the threat of violence in all forms. It is particularly egregious when threats are lodged against public health and health care professionals who are working to keep Maryland residents safe and healthy. We support SB298 and its effort to protect the workers who protect us.

We were deeply troubled when Dr. Travis Gayles, former Montgomery County Health Officer, was the subject of racial and homophobic harassment.<sup>2</sup> Unfortunately, that is part of a disturbing pattern of behavior that has played out across the country. A team of Johns Hopkins researchers identified 1,500 incidents of harassment and violence against health department workers between March 2020 and January 2021.<sup>3</sup> The toll is evident. Health department employees have reported mental health conditions at alarming rates.<sup>4</sup> At a time where we need experienced public health leaders more than ever, The New York Times has identified more than 500 top public health officials who had left their posts in the 19 months leading up to October 2021.<sup>5</sup>

The threats against health care workers are equally of concern. The experiences of hospital workers who have been threatened with guns and assaulted have been detailed by Kaiser Health News<sup>6</sup> and JAMA,<sup>7</sup> among others. With some Maryland hospitals already overwhelmed with COVID cases,<sup>8</sup> we can ill afford to have our hospital workers feeling unsafe at work.

The Montgomery County Commission on Health appreciates this opportunity to voice our support for the goal of SB298 and this critical step to protect public health and health care workers. However, the Commission is concerned that the bill fails to detail what exactly constitutes harassment, intimidation or threat, as was done in other relevant Maryland state law on threats against elected officials.<sup>9</sup> We encourage you to clarify this in order to avoid an overly broad interpretation that could be seen as an infringement on 1st Amendment rights. Again, we applaud this important effort to support workers in carrying out their critical public health and health care missions.

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<sup>1</sup> The primary mission of the Montgomery County Commission on Health (COH) is to advise the County Executive and the County Council on public health issues, programs, services and the allocation of funds devoted to public health needs and to monitor and assess the priorities of the Montgomery County Department of Health and Human Services (MCDHHS) in its efforts to address the health needs of residents in this county.

<sup>2</sup><https://bethesdamagazine.com/bethesda-beat/government/gayles-resigns-as-montgomery-countys-health-officer/>

<sup>3</sup><https://docs.house.gov/meetings/VC/VC00/20210929/114079/HHRG-117-VC00-Wstate-ResnickB-20210929.pdf>

<sup>4</sup>[https://www.cdc.gov/mmwr/volumes/70/wr/mm7048a6.htm?s\\_cid=mm7048a6\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7048a6.htm?s_cid=mm7048a6_w)

<sup>5</sup><https://www.nytimes.com/2021/10/18/us/coronavirus-public-health.html>

<sup>6</sup><https://khn.org/news/article/are-you-going-to-keep-me-safe-hospital-workers-sound-alarm-on-rising-violence/>



## Montgomery County Commission on Health

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<sup>7</sup><https://jamanetwork.com/journals/jama/fullarticle/2779310>

<sup>8</sup><https://thehill.com/homenews/state-watch/587310-two-maryland-hospitals-declare-healthcare-disaster-amid-rising-cases>

<sup>9</sup><https://law.justia.com/codes/maryland/2010/criminal-law/title-3/subtitle-7/3-708/>

**6 - SB 298 - JPR - MACHO - LOS.pdf**

Uploaded by: Maryland Department of Health /Office of Governmen Bennardi

Position: FAV



**SENATE BILL 298**

***Criminal Law – Threat Against Public Health Official or Hospital Staff Member***

**WRITTEN TESTIMONY BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**For the Maryland Association of County Health Officers (MACHO)**

**Earl Stoner, MPH, Health Officer, Washington County**

*Position: – Support – February 8, 2022*

Good afternoon, Mr. Chairman, and distinguished members of the committee. My name is Earl Stoner, Health Officer for the Washington County Health Department. On behalf of the Maryland Association of County Health Officers (MACHO), the professional association of the chief executives of the state's 24 local health departments, I am speaking **in support of Senate Bill 298**.

In March 2020, facing what would soon become the most significant public health crisis of our time, we, and our local health officer colleagues across the country, raced to implement life-saving prevention and mitigation measures in response to the emergence and rapid spread of SARS-CoV-2, now known as the COVID-19 pandemic. We have been fighting this virus at the same time we are learning about it in real time. Over the course of this pandemic, many in our communities, understandably, have grown weary of some of the measures utilized to address the pandemic, and unfortunately some are acting out with harassing, abusive and threatening behaviors.

The level of harassment and intimidation from some members of the public of public health officials and local health department (LHD) staff across the country during the COVID-19 pandemic, is unprecedented. The experience of local health officers and staff in Maryland has been no different. Health officers and local health departments do not expect to win popularity contests and normally operate with very little public attention. Health Officers are appointed based on our knowledge and expertise and hold a statutory responsibility and authority to protect the health and safety of our communities. LHD staff are hired for their extensive knowledge, expertise and training in their areas of professional preparation and roles in LHDs. Our recommendations and decisions are not about controlling people; they are based on science, evidence, and best practices. We realize these decisions may not always be popular, but they are needed to save lives.

I personally have received written and verbal threats, been harassed, and intimidated in public, and had my child harassed at school. In response to these threats, I had a security system installed and had law enforcement patrols at my private residence. It is alarming and unnerving that we, our families, and our staff have endured this. All for just doing our jobs - following science-based recommendations and taking steps to save lives.

Other Maryland health officers have received threatening letters from the public, been harassed, and threatened through social media, have experienced threats to disrupt response efforts, had family members harassed, and have needed law enforcement patrols and security support for their safety, the safety of their families, and the safety of local health department staff. LHD staff have had to endure similar threats and harassment. Hate filled and harassing messages are left on voicemails and flood email inboxes for example. There is currently no mechanism for consequences to the offenders as Maryland is one of a few states that lacks protections specific to public health officials and staff. There has been no deterrent to those intending to do us harm or who want to make our jobs more difficult, so the threats continue and are worsening.

SB 298  
JPR – 2-8-22  
MACHO – Support  
E. Stoner  
Pg 2

Simply following best practices regarding the most effective way to protect the health of individuals, families, and children, should not result in threats, harassment, and intimidation toward us, our staff or our families. Following best practices saves lives, and to fail to follow them would be neglecting our legal and ethical responsibility according to our oath of office to protect our communities.

These threats have taken a toll: over 500 public health officials nationally have left their jobs or have been removed since the pandemic began – 7 of these were Maryland local health officers, impacting roughly 29% of Marylanders. And that is just the top leaders of local and state health departments; one would estimate the number of LHD staff who have left their positions is much higher during the pandemic. A MD law exists to protect elected officials from threats and harassment, but there is no existing MD law to protect appointed officials. It would be ideal to see public health officials afforded comparable protections to those currently protecting elected officials, namely fines up to \$2,500 and prison sentences up to 3 years. Although more limited, the conditions set forth under SB 298 are an important legal recognition of the need to protect health professionals while upholding their duties to protect the safety and lives of Maryland's residents. We support protections for hospital staff who face similar threats and harassment at their workplaces.

We understand and respect the fact that the public has a right to responsibly speak out on any issue. However, when individuals cross the line into threatening behaviors and impede our ability to carry out emergency response measures, these actions are unconscionable, irresponsible, and reckless, and should not be tolerated. Furthermore, how can we encourage and recruit people into public health jobs if they fear that the work they have been trained to do will be called into question and their lives and the lives of their families will be at risk? Our public health workforce cannot afford to be further decimated.

In closing, these threats and intimidation against us in our professional capacity have profound impacts to not only us, but to our families. Instead of facing threats and intimidation that hinder our ability to protect and serve our communities, we need the protection and support to successfully carry out the responsibilities of our jobs. We need to make it safe for our staff and for those wanting to work in local public health to do so. I urge your support of this critically important legislation. We do not want or need to be in the spotlight. We simply want to be protected, as elected officials are, while performing our duties.

Thank you for your time and invitation to address the committee.

For more information, please contact Ruth Maiorana, Executive Director, MACHO, at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433. *This communication reflects the position of MACHO.*



**SB298\_FrederickHealth\_Fav.pdf**

Uploaded by: MICHELLE ODELL

Position: FAV

Good afternoon, my name is Michelle O'Dell, **Masters educated RN**, and hospital supervisor at Frederick Health Hospital with 30 years' **of nursing** experience.

I'd like to start by thanking the delegates for the opportunity to speak on behalf **and in support** of Senate Bill 298 and its importance of impacting health care systems across the state

I have personally encountered physical abuse while working, to include: being kicked in the stomach when I was pregnant, scratched and spit on. I've been threatened, intimidated, bullied, harassed, and verbally accosted.

I've witnessed my coworkers being punched, placed in headlocks, strangled and having bodily fluids (including urine, feces and semen) thrown on them.

These egregious assaults on staff contributes to fear, anxiety, and **extreme** burnout of health care providers.

We have worked extremely hard, especially these last two years, with the pandemic, and increased volumes, flooding our health care system. It is difficult to focus on the medical aspect of our profession, while dealing with physical and verbal abuse.

I find it disparaging that consequences have not be enforced.

Patients, regardless of situations, need to know these behaviors are unacceptable, and will not be tolerated. Targeting health care providers is impermissible.

**On behalf of health care workers across the state, I implore you to pass this most significant bill.**

Thank you for your time,

*Michelle O'Dell, MSN, RN*

*Hospital Supervisor*

P: 240-566-4340

400 West 7<sup>th</sup> St

Frederick, MD 21701



*“Be the **CHANGE** that you wish to see in the world”*

**SB0298-JUD-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 0298**

February 8, 2022

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Natasha Mehu, Director of Government Relations

**RE:** Senate Bill 0298 – Criminal Law - Threat Against Public Health Official or Hospital Staff Member

**POSITION: Support**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate (SB) 0298.

SB 0298 prohibits a person from making or sending a threat to a public health official or hospital staff member with the intent to intimidate, interfere with, or impede a public health official or hospital staff member from performing official duties.

COVID-19 has placed an unprecedented burden on the local public health workforce. With challenges in funding and staffing, the weight of managing the pandemic and protecting local communities has been monumental. The Baltimore City Health Department is one of the first lines of defense and protection against COVID-19. As an agency, we provide testing, vaccination, contact tracing, and public education to Baltimore City residents. However, aside from disease monitoring and surveillance to enforcing mitigation measures against the virus, the well-being of the public health workforce has been threatened as well.

Since the beginning of the pandemic, public health officials across the country have experienced increased levels of harassment, threats, and attacks from the public. This is taking a toll on the protections public health officials provide to the public. Our colleagues at the National Association of County and City Health Officials (NACCHO) have noted that since the pandemic began, at least 300, and potentially 500, public health department leaders have left their posts, impacting 20% of Americans.<sup>i ii iii</sup> Of note, many threats include misogynistic and racist undertones.<sup>iv</sup>

The stress and strain of the pandemic is threatening leadership and workforce shortages – some from abuse and threats. The health and protection of our residents requires the health and protection of our public health officials charged with this very important task.

We respectfully request a **favorable** report on Senate Bill 0298.

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<sup>i</sup> Weber L, Barry-Jester AM. Over Half of States Have Rolled Back Public Health Powers in Pandemic. (2021)  
Retrieved from <https://khn.org/news/article/over-half-of-states-have-rolled-back-public-health-powers-in-pandemic/>

<sup>ii</sup> Baker, Mike, Ivory, Danielle. Threats, Resignations and 100 New Laws: Why Public Health Is in Crisis. (2021)  
Retrieved from <https://www.nytimes.com/2021/10/18/us/coronavirus-public-health.html>

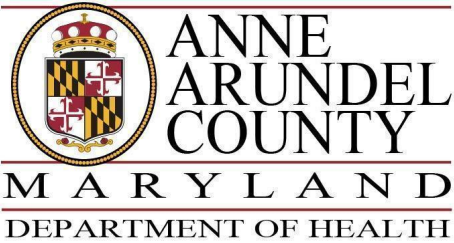
<sup>iii</sup> Baker, Mike, Ivory, Danielle. Threats, Resignations and 100 New Laws: Why Public Health Is in Crisis. (2021)  
Retrieved from <https://www.nytimes.com/2021/10/18/us/coronavirus-public-health.html>

<sup>iv</sup> Deliso, M. (July 3, 2020). “‘Unsafe’: Women in public health facing pushback and threats for coronavirus response.” Retrieved October 14, 2021, from <https://abcnews.go.com/Health/unsafe-women-public-health-facing-pushback-threats-coronavirus/story?id=71520262>

# **SB0298- Threat Against a Public Health Official or**

Uploaded by: Nilesh Kalyanaraman

Position: FAV



J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Nilesh Kalyanaraman, MD, FACP**  
**Health Officer**

**2022 SESSION**  
**Written Testimony**

**BILL NO:** SB0298  
**COMMITTEE:** Judicial Proceedings  
**POSITION:** Letter of Support  
**TITLE:** Criminal Law- Threat Against a Public Health Official or Hospital Staff Member

**BILL ANALYSIS:**

SB0298 prohibits a person from threatening a public health official or hospital staff member with the intent of hindering them from performing official duties and imposes penalties for doing so. Any person who violates this act is guilty of a misdemeanor and subject to imprisonment of up to 90 days and a fine of up to \$500, or both.

**POSITION RATIONALE:**

In March 2020, public health officials across the Country were faced with the most difficult public health crisis we have ever experienced, due to COVID-19. As Health Officer of Anne Arundel County, we had to work fast, make huge decisions and follow the public health knowledge and science we were taught and read. While fighting the virus we were also learning about it in real time and due to that policies and measures were changing as we were learning what was the most effective. Over time, people have grown tired of the pandemic and have acted out against certain policies or measures they do not believe in. We as Health Officers have been working in the best interest of communities trying to prevent the spread of COVID-19 and to keep our hospitalizations and deaths down. The Anne Arundel County Health Department fully supports SB0298.

Local Health Department staff are hired for their knowledge, expertise, training, and the ability to effectively run a health department and keep their communities healthy. Our recommendations for COVID-19 are based on science, evidence, and best practices, and are not about controlling people. We realize our decisions will not please everyone but at the same time we need to do what we can to save

lives. With that said, these measures caused some people to lash out, harass, and intimidate not only myself, but some of our staff. While we believe our citizens have the right to share their feelings, crossing the line to threatening behaviors and trying to impede our abilities to do our jobs effectively is unacceptable.

I personally have been the subject of intimidation, been intimidated in public, and needed police security at one point. Our staff have faced intimidation in carrying out their jobs in the community.

Other Maryland health officers have received threatening letters from the public, been harassed, and threatened through social media. There are currently no consequences to the offenders as Maryland is one of a few states that lacks protections specific to public health officials and staff. There is no deterrent to those that are lashing out and the threats continue and are worsening especially with the Omicron wave, as people have pandemic fatigue. However, this is not an excuse for threatening and harassing behaviors.

We ask that you please pass this bill to offer Local Health Departments more protection. The harassment has been detrimental to us doing our jobs effectively. We also need and want our staff to feel completely safe while working at Local Health Departments.



# **SB 298 -Criminal Law - Threat Against Public Health**

Uploaded by: Pegeen A. Townsend

Position: FAV

## SB 298 – Criminal Law – Threat Against Public Health Official or Hospital Staff Member

**Position: *Support***

February 8, 2022

Senate Judicial Proceedings Committee

### Bill Summary

SB 298 makes it illegal for a person to make or send a threat to a health official or hospital staff member. Anyone in violation is guilty of a misdemeanor and on conviction is subject to imprisonment not to exceed 90 days or a fine not to exceed \$500 or both.

### MedStar Health's Position

MedStar Health's top priority is the safety of its patients, staff, and visitors. Protecting our associates from the dangers of workplace violence is a key priority for MedStar Health. In 2017, MedStar Health established a Workplace Violence Prevention Committee that has:

- Developed and implemented a system-wide electronic system for reporting incidences of workplace violence;
- Developed a zero-tolerance policy for workplace violence;
- Trained over 2,400 associates working in three high-risk areas (security, behavioral health, and emergency department) in de-escalation and physical skills;
- Implemented a new mandatory training module for all 36,000 associates on what efforts MedStar Health is undertaking to ensure the safety of associates and patients;
- Beginning in September 2019, de-escalation training for over 12,000 associates whose responsibilities place them in a position of dealing directly with patients, visitors, and other members of the community;
- Produced and distributed video to educate all associates on MedStar Health's Active Shooter – Code Silver policy and procedures; and
- Provided personal wearable safety alarms.

Despite these preventative efforts, more action is needed. MedStar Health supports the intent of SB 298, however, since threats can occur against hospital staff who are not providing personal care or medical treatment to patients, **we recommend broadening the definition to include any individual employed by the hospital.** Expanding the definition will ensure all hospital employees are protected regardless of their job title or duties.

For the reasons above, we ask that you give SB 298 a ***favorable*** report.

**SB298\_RonaldYoung\_FAV.pdf**

Uploaded by: Ronald Young

Position: FAV

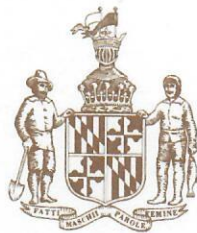
**RONALD N. YOUNG**  
*Legislative District 3*  
Frederick County

Budget and Taxation Committee

Chair, Executive Nominations Committee

Senate Chair, Joint Subcommittee on  
Program Open Space/Agricultural Land  
Preservation

Joint Committee on Administrative,  
Executive, and Legislative Review



## *The Senate of Maryland*

ANNAPOLIS, MARYLAND 21401

February 8th, 2022

**SBo298 - SUPPORT**

**Emergency Bill**

Threat Against Public Health Official or Hospital Staff Member

### *Annapolis Office*

James Senate Office Building  
11 Bladen Street, Room 301  
Annapolis, Maryland 21401  
410-841-3575 · 301-858-3575  
800-492-7122 Ext. 3575  
Fax 410-841-3193 · 301-858-3193  
Ronald.Young@senate.state.md.us

### *District Office*

253 East Church Street, Suite 100  
Frederick, Maryland 21701  
301-662-8520  
Fax 301-662-8521

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

**SB298** is an Emergency Bill establishing prohibitions, similar to those for elected officials, for threats made orally or in writing to a Maryland public health official or hospital staff member. Violations are a misdemeanor, subject to imprisonment (not exceeding 90 days) and/or a fine up to \$500.

Across the nation 70% of the states have enacted laws protecting public health officers against threats.<sup>1</sup> Maryland does not, even though all 24 of our local state health officers have experienced levels of harassment of the kind this bill will address; and with seven health officers having resigned largely due to threats and harassment over the last 3 years (Maryland Association of County Health Officials).

We need to do better at protecting our Maryland's State employees and hospital staff.

Since the COVID 19 pandemic began, public health officials and hospital staff nationwide have been subjected to increasing levels of threats and harassment for simply doing their jobs.<sup>2</sup> According to a CDC study nearly 25% of public health workers report feeling bullied, harassed or threatened due to their work since the pandemic began.<sup>3</sup>

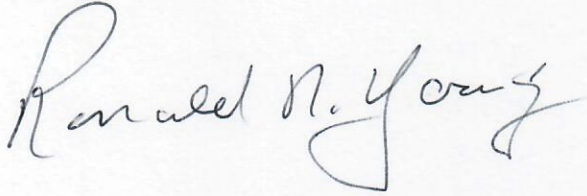
Both doctors and nurses are stretched thin, stressed out, and exhausted after almost 3 years of the pandemic. Before COVID19 the Maryland Nurses Association (MNA) survey indicated that 17% of nurses considered leaving the profession. Today, that number is 33%. "We are moving towards a critical nursing shortage within the state of Maryland," said Dr. Charlotte Wood, president of MNA.<sup>4</sup>

Nurses and physicians may take the brunt of the threats, but other ancillary hospital professionals and staff are increasingly on the receiving end of such behavior. Health care workers, who were once applauded for saving lives early in the COVID-19 outbreak, are now being issued panic buttons and ditching their scrubs before going out in public to avoid harassment. "If you have to fight with somebody about wearing a mask, or if they aren't allowed to visit a relative and we have

to argue about that, that is stressful.”<sup>5</sup> Maryland law should ensure that our public health officials and hospital staff, who are acting in good faith, are respected and appreciated for their hard work.<sup>2</sup> It is for these reasons that SB298 includes the broad term “hospital staff” in its language.

I ask that you vote favorably on **SB298** to demonstrate that Maryland values civility and respectful treatment of our public health officials, medical personnel, and hospital staff.

Respectfully,



Senator Ronald Young

**References:**

1. Brooke Torton. November 2020. Network for Public Health Law. “50 State Survey: Legal Protections for Public Health Officials” Eastern Region Office.  
<https://www.networkforphl.org/resources/legal-protections-for-public-health-officials/>
2. Said, C. June 30, 2020. *San Francisco Chronicle*. “California health officers facing protests, even death threats, over coronavirus orders.” (July 6, 2020).  
<https://www.sfchronicle.com/bayarea/article/Area-health-officers-confront-harassment-15375304.php>
3. Bryant-Genevieve J, Rao CY, Lopes-Cardozo B, et al. Symptoms of Depression, anxiety, Post-Traumatic Stress Disorder and Suicidal ideation among State, Tribal, Local and territorial Public health workers during the Covid 19 Pandemic- United States, March-April 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:947-952.  
[https://scholar.google.com/scholar?hl=en&as\\_sdt=0%2C21&q=Bryant-Genevieve+J%2C+Rao+CY%2C+Lopes-Cardozo+B%2C+et+al.+Symptoms+of+Depression%2C+anxiety%2C+Post-Traumatic+Stress+Disorder+and+Suicidal+ideation+among+State%2C+Tribal%2C+Local+and+territorial+Public+health+workers+during+the+Covid+19+Pandemic+United+States%2C+March-April+2021.+MMWR+Morb+Mortal+Wkly+Rep+2021%3A70%3A947-952.&btnG=](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C21&q=Bryant-Genevieve+J%2C+Rao+CY%2C+Lopes-Cardozo+B%2C+et+al.+Symptoms+of+Depression%2C+anxiety%2C+Post-Traumatic+Stress+Disorder+and+Suicidal+ideation+among+State%2C+Tribal%2C+Local+and+territorial+Public+health+workers+during+the+Covid+19+Pandemic+United+States%2C+March-April+2021.+MMWR+Morb+Mortal+Wkly+Rep+2021%3A70%3A947-952.&btnG=)
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5. Heather Hollingsworth and Grant Schulte *September 29, 2021, Associated Press* “Health Workers Once Saluted as Heroes Now Get Threats”  
<https://www.usnews.com/news/health-news/articles/2021-09-29/health-workers-once-saluted-as-heroes-now-get-threats>

**SB\_0298 Letter of Support from KCHD 2-4-22\_FAVORAB**

Uploaded by: William Webb

Position: FAV



KENT COUNTY  
HEALTH DEPARTMENT



COUNTY OF KENT

WILLIAM WEBB, HEALTH OFFICER  
125 S. LYNCHBURG STREET, CHESTERTOWN, MARYLAND 21620 • PHONE: 410-778-1360

STATE OF MARYLAND

February 4, 2022

Maryland State Senate  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East Wing  
11 Bladen St., Annapolis, MD 21401-1991  
e-mail: [aa\\_jpr@mlis.state.md.us](mailto:aa_jpr@mlis.state.md.us)

via: Upload to [mgaleg.maryland.gov](http://mgaleg.maryland.gov) website

RE: Senate Bill 298 Letter of Support

Dear Honorable Members of the Senate's Judicial Proceeding Committee,

I urge you to support Senate Bill 298. This bill provides important protections for public health professionals who face hostile and intimidating reactions from citizens when implementing scientifically validated best practices. This legislation is important because it provides prosecutors with a clear path to hold people accountable who use social media and other methods to intimidate and threaten public health officials and their families. Elected officials currently have such legal protections. We ask for comparable recognition under Maryland Law.

Respectfully Submitted,

William Webb  
Health Officer

cc: Ruth Maiorana, Executive Director, Maryland Association of County Health Officers

# **SB298 - Threat Against Public Health Official or H**

Uploaded by: Doyle Niemann

Position: FWA





St., Baltimore, MD 21201  
800-492-1964  
| tdd 410-539-3186

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**To:** Members of The Senate Judicial Proceedings Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** February 4, 2022

**Subject:** **SB298 – Threat Against Public Health Official or Hospital Staff Member**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB298 – Threat Against Public Health Official or Hospital Staff Member.**

This bill addresses a disturbing increase in threats public health officials or hospital staff members. These threaten to serious undercut public health efforts and increase the stress and burden on healthcare nurses and providers.

The bill makes it an offense to knowingly and willfully make a threat against a public health official or a staff member involved with patient care in a hospital with the intent to interfere with, intimidate or impede the work of that person.

The requirement that the threat must be made with the intent to interfere with, intimate or impede the lawful work of individuals ensures that the bill does not infringe on the right of individuals to express their opinions about decisions or the functioning of the public health and health care systems.

For the reasons stated, we **Support SB298 – Threat Against Public Health Official or Hospital Staff Member.**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

**2022 MNA SB 298 Senate Side.pdf**

Uploaded by: Joanne Ogaitis

Position: FWA



**Committee:** Senate Judicial Proceedings Committee

**Bill Number:** Senate Bill 298

**Title:** Criminal Law- Threat Against Public Health Official or Hospital Staff Member

**Hearing Date:** February 8, 2022

**Position:** Favorable with Amendments

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The Maryland Nurses Association (MNA) supports *Senate Bill 298 – Criminal Law- Threat Against Public Health Official or Hospital Staff Member*. The bill prohibits threatening a public health official or hospital staff and imposes criminal liability and fines if a person is found guilty of making or sending a threat to a public health official or hospital staff.

Addressing workplace violence is one of MNA’s top priorities. Maryland nurses from all settings, including hospitals, private care, and nursing homes, have felt the impacts of workplace violence on their professional and personal lives. According to the Occupational Safety and Health Administration, 21% of nurses have reported physical harm, and this number is low because workplace violence is underreported with 30-50% of events never being reported.<sup>1</sup> MNA’s members have reported to us that the level of threats and harassment have increased during the pandemic.

While nurses have been on the frontline of the COVID-19 pandemic, their scope of work is not limited to only hospital settings. Nurses report that threats occur across all health care settings including home visiting, residential settings, and even in private practices Therefore, we ask for an amendment:

On page 1 in line 18 and on page 2 in line 7, strike “HOSPITAL” and replace with “HEALTH CARE”

On page 1 in line 19, replace “HOSPITAL” with “LICENSED HEALTH CARE FACILITY, LICENSED HEALTH CARE PROGRAM, OR PRACTICE OF A LICENSED HEALTH CARE PROVIDER”

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<sup>1</sup> OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge. (2015).<https://www.osha.gov/Publications/OSHA3826.pdf>

Thank you for your consideration of our testimony, and we urge a favorable report. If we can provide any further information, please contact Suhani Chitalia at [schitalia@policypartners.net](mailto:schitalia@policypartners.net).

# **HFAM Testimony SB 298.pdf**

Uploaded by: Joseph DeMattos

Position: FWA



**TESTIMONY BEFORE THE  
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 8, 2022

Senate Bill 298 Criminal Law - Threat Against Public Health Official or Hospital Staff Member  
*Written Testimony Only*

**POSITION: FAVORABLE WITH AMENDMENT**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendment for Senate Bill 298. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction in the state.

Senate Bill 298 would prohibit a person from making or sending a threat to a public health official or hospital staff member with the intent to intimidate, interfere with, or impede a public health official or hospital staff member from performing official duties. Any person that violates this Act is guilty of a misdemeanor and subject to imprisonment of up to 90 days or a fine not exceeding \$500, or both.

We agree with the intent of this legislation and respectfully request that it be amended to also include protections for staff who work in skilled nursing facilities, assisted living communities, continuing care retirement communities, and adult day centers.

Throughout the COVID-19 pandemic, healthcare workers in all settings have faced increased encounters with threats and harassment as they continue to provide quality care. Hostility and aggression towards healthcare professionals has grown over issues such as strict visitor restrictions and related COVID-19 policies, vaccination, and general misinformation.

Especially considering staffing shortages we already face in healthcare, it is critical that we give our healthcare heroes the support they need so they feel safe while doing their jobs to care for our family, friends, and neighbors.

**For these reasons, we request a favorable report with amendment on Senate Bill 298.**

*Submitted by:*

Joseph DeMattos, Jr.  
President and CEO  
(410) 290-5132

**SB 298 Threats\_MDNA SJPC Favorable written testi**

Uploaded by: Lisa Tenney

Position: FWA



Maryland State Council  
Safe Practice Safe Care

To: Maryland Senate Judiciary Proceedings Committee 2021  
Miller Senate Office Building  
Bladen St., Annapolis, MD 21401

From: Maryland State Council of the Emergency Nurses Association

Date: February 8, 2022

Re: **SB 298 Criminal Law-Threat Against Public Health Official or Hospital Staff Member**  
Oral and written testimony  
Maryland Emergency Nurses Association requests a FAVORABLE vote

Good day Chairman Smith, Vice Chair Waldestreicher, and Committee members,

My name is Lisa Tenney and I am testifying on behalf of The Maryland Emergency Nurses Association in favor of SB 298 Criminal Law-**Threat Against Public Health Official or Hospital Staff Member**.

We thank Senators Young, Benson, Feldman, and Lam for sponsoring this bill.

You may recall that ENA has testified before this committee in previous years about the increasing verbal threats and physical violence against healthcare workers, and especially towards those of us who work in Maryland's Emergency Rooms (ER). Violence and threats have increased during the current Covid 19 pandemic. <sup>(1)</sup> It has occurred in ERs, hospitals, urgent care centers, and other healthcare settings. This is the reason Maryland ENA would support an amendment to this bill that would include all health care settings.

The past two years of the pandemic have been brutal on emergency staff. We are mentally and physically exhausted. Yet, we feel bad that our patients are experiencing very long waits to see the ER Doctor, be admitted to a hospital bed, or transferred to a psychiatric inpatient bed. Patients suffer from these waits, and not being able to have a family member with them worsens their frustration and anger. They lash out at us.

Healthcare workers are accustomed to people getting cranky and fussing at us. They usually just want to speak to the person in charge. Under the 2019 Maryland Patient Bill of Rights, Patients have the RIGHT to complain, and **"File a complaint about care and have the complaint reviewed without the complaint affecting the patient's care.** <sup>(2)</sup> As part of every hospital's mandated Patient Safety Program, patients and family members are encouraged to **SPEAK UP** if they have a concern or question. <sup>(3)</sup> Hospital staff are trained to provide patients with



information on how to file a complaint with administrators, the Maryland Office of Health Care Quality, the State Boards, The Joint Commission, and CMS. This promotes safety, transparency, and trust.

This bill is not about people who complain. It is about people who threaten us with harm with harm and interfere with our ability to take care of patients. NIOSH (National Institute of Occupational Safety and Health) defines workplace violence as “violent acts (including physical assaults and **threats of assaults**) directed toward persons at work or on duty.” (4)

SB 298 would have helped a doctor I know who worked an 18-day stretch in the COVID ICU because his fellow physicians were sick or exposure isolated. The adult son of one of his dying end-stage Covid patients who had multiple pre-existing conditions, repeatedly made threats of harm against this doctor. Police were summoned. The son was escorted off of hospital property. But that was all that could be done, even though the son repeatedly threatened to find this doctor and make her suffer the way his dad was suffering.” After 18 days of not being home or seeing her family, this psychological burden made her terrified to walk to her car.

Thank you. Your favorable vote will add another tool in the Maryland Healthcare worker workplace violence toolbox.

Sincerely,

Lisa Tenney

Lisa Tenney, BSN, RN, CEN, CPHRM, FAEN  
Chair, Government Affairs Committee  
Maryland State Council Emergency Nurses Association  
[lctenney@gmail.com](mailto:lctenney@gmail.com)

#### References

- (1) Udoji, Mercy. (2020) When an epidemic of violence against health care workers meets a pandemic. Kevinmd.com.  
<https://www.kevinmd.com/blog/2020/09/when-an-epidemic-against-health-care-workers-meets-a-pandemic.html>
- (2) Hogan, Lawrence. (2019) Hospitals-Patient’s Bill of Rights. COMAR, Chapter 285.  
[https://mgaleg.maryland.gov/2019RS/Chapters\\_noln/CH\\_285\\_hb0145e.pdf](https://mgaleg.maryland.gov/2019RS/Chapters_noln/CH_285_hb0145e.pdf)
- (3) The Joint Commission. (2019) Speak Up Campaigns. Speak Up About Your Care.  
<https://www.jointcommission.org/resources/for-consumers/speak-up-campaigns>
- (4) CDC-NIOSHS. (2002) Violence Occupational Hazards in Hospitals.  
<https://www.cdc.gov/niosh/docs/2002-101/>

**SB0298 oppose J.pdf**

Uploaded by: James Elbourn

Position: UNF

Honorable Members, please oppose SB0298.

This is a slippery slope toward medical tyranny.

Thank you

Sincerely,

James Elbourn  
Severna Park, MD  
D33

# **MOPD Opposition to SB298.docx.pdf**

Uploaded by: Maria Nenuzka Villamar

Position: UNF



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**POSITION ON PROPOSED LEGISLATION**

<b>BILL: SB298</b>
<b>FROM: Maryland Office of the Public Defender</b>
<b>POSITION: OPPOSE</b>
<b>DATE: February 4, 2022</b>

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 298.

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The Maryland Office of the Public Defender supports the idea that health care providers should not be prevented from carrying out their duties to provide for the health of Maryland’s citizens. However, SB 298 is not the appropriate vehicle for delivering protection from threats or intimidation directed at health care workers. The language of SB 298 is vague and overbroad and could criminalize behavior that is protected by the First Amendment, while not fully protecting the intended beneficiaries of the statute. Common law assault, statutory assault, harassment, stalking, malicious destruction, and trespassing are already prohibited by law, and the behaviors and actions that SB298 intends to curb can be done so through prosecution under these existing laws.

SB 298 criminalizes verbal or nonverbal communication towards a hospital staff member or public health official if the communication is “intended to intimidate, interfere with, or impede a public health official or hospital staff member from performing official duties.” This language is vague and overbroad and sweeps protected speech within its ambit. For example, a group of citizens protesting against abortion on the basis of religious beliefs in front of the main entry of a hospital could impede nurses and doctors from entering the hospital or could make them feel intimidated, and those protesters could be prosecuted under SB 298. Clearly, this would be an infringement on their right to free speech.

Criminal laws should not be passed as a way of showing healthcare workers that society “has their backs.” While this bill is being introduced during a pandemic, the response to which has become a

divisive political issue, it is important to remember that criminal laws will remain in the books long after this pandemic is over. An emotional response to behavior triggered by the pandemic in the form of a criminal law would be shortsighted and, ultimately, harmful to citizens.

Hospitals are a place where people are usually experiencing the most serious crises of their lives. It is an understatement to say that emotions run high. SB298 would criminalize behaviors that are not in fact criminal but may be driven by distress or grief. For example, a mother and father are told that their child has Stage IV cancer. The recommended course of treatment is chemotherapy. The parents are reluctant to put their child through such a debilitating form of treatment. The father is dismayed when the doctors insist chemotherapy offers the best chance of survival, however slim. The father, a big man, stands up, cuts them off, and angrily says, "To give my child that poison you have to come through me first." Technically, the father could be prosecuted under SB298. His statement sounds like a threat, and he appears to be "intimidating, interfering, or impeding" the medical staff from performing their official duties of explaining the available treatments and obtaining consent from the parents. This is not behavior that our society should criminalize. Doing so would exacerbate the problems with overcrowded dockets, understaffed public defender's and prosecutor's offices, overcrowded jails, and overburdened police officers.

This Committee should decline to pass a vague and overly broad law as a means of showing support for health care workers but should show its support of them by encouraging prosecutions under the existing laws.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB198.**

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**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Authored by: Nenutzka C. Villamar,  
Chief Attorney, Parental Defense Division  
(410) 458-8857  
nena.villamar@maryland.gov**

**SB0298 oppose PW.pdf**

Uploaded by: Peggy Williams

Position: UNF

SB0298

OPPOSE

"Official Duties" as performed by the Public Health Official or Hospital Staff Member, is not defined.

Would any of those duties be to come to our doorsteps to administer COVID injections or immunizations without our consent? To question us about our private medical information?

Would any of those duties be to take us to a "quarantine" facility?

I have no trust in public health officials right now. This bill sounds like a gradual creep onto citizens' rights to defend themselves from medical tyranny.

Peggy Williams

Severna Park, MD 21146

D33