DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

Protection of health care providers.

Sponsored by: Joint Labor, Health & Social Services Interim Committee

A BILL

for

AN ACT relating to crimes and offenses; creating the offenses of assault, threat of violence and battery against health care providers; specifying penalties; providing definitions; establishing duties and requirements of health care institutions to address violence against health care providers; providing exceptions; requiring rulemaking; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 6-2-512 and 35-2-123 are created to read:

6-2-512. Assault and threats of violence against health care providers; battery against health care providers; penalties.

(a) As used in this section:

(i) "Alzheimer's disease" means a form of dementia that affects memory, thinking and behavior and that interferes with daily life. Symptoms include a decline in memory and the loss of function in at least one (1) other cognitive ability;

(ii) "Assault" means an offense under W.S. 6-2-501(a);

(iii) "Battery" means an offense under W.S. 6-2-501(b);

(iv) "Dementia" means cognitive decline, including a loss of memory and other mental abilities that is severe enough to interfere with daily life;

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STAFF COMMENT

The definitions of Alzheimer's Disease and dementia are likely unnecessary since these are common terms that are generally understood by the public and the criminal justice system. However, these definitions were included in one of the amendments the Committee asked to be incorporated within this bill draft.

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(v) "Health care provider" means a person who is licensed or certified to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;

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STAFF COMMENT

The above definition was modified from the 2023 version because it seemed overly broad. For instance, it allowed someone who was "otherwise authorized or permitted" to provide health care services to be defined as a health care provider. This may have included family members of a patient, etc., and that did not seem to be the intent of this draft.

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(vi) "Threat of violence" means an express or implied threat where the person threatens to commit an

offense involving bodily injury, death or property damage of one thousand dollars ($1,000.00) or more or acts with intent to cause property damage of one thousand dollars ($1,000.00) or more.

(b) A person is guilty of assault against a health care provider if:

(i) The person commits an assault against a health care provider;

(ii) The person knows or reasonably should know that the person is a health care provider at the time of the assault; and

(iii) At the time of the assault, the health care provider was performing duties within the scope of the health care provider's authority or employment.

(c) A person is guilty of a threat of violence against a health care provider if:

(i) The person makes a threat of violence against a health care provider;

(ii) The person knows or reasonably should know that the person is a health care provider at the time of the threat of violence; and

(iii) At the time the threat of violence, the health care provider was performing duties within the scope of the health care provider's authority or employment at the time of the threat of violence.

(d) A person is guilty of battery against a health care provider if:

(i) The person commits a battery against a health care provider;

(ii) The person knows or reasonably should know that the person is a health care provider at the time of the battery; and

(iii) At the time of the battery, the health care provider was performing duties within the scope of the health care provider's authority or employment at the time of the battery.

(e) A person who violates subsections (b), (c) or (d) of this section is:

(i) For a first offense, guilty of a misdemeanor punishable by imprisonment for not less than two (2) days and not more than six (6) months, a fine not to exceed one thousand dollars ($1,000.00), or both;

(ii) For a second or subsequent offense, guilty of a felony punishable by imprisonment for not more than three (3) years, a fine not to exceed five thousand dollars ($5,000.00), or both.

(f) This section shall not apply to persons who have been diagnosed with Alzheimer's disease or dementia and who violate the provisions of this section.

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STAFF COMMENT

Subsection (f) above is likely unnecessary because people who have Alzheimer's Disease or dementia would likely be incompetent to proceed in a criminal case regardless of whether they are excluded from the provisions of this bill draft. Also, there are a lot of reasons a person may be incompetent to proceed in a criminal case and the Committee may want to consider the problems with carving out people with these specific diagnoses and excluding others. For more information, see Wyoming's competency statutes at W.S. 7-11-303 through 7-11-304.

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35-2-123. Workplace violence against health care providers; notice; reporting requirements.

(a) As used in this section:

(i) "Department" means the department of health;

(ii) "Health care" means any care, treatment, service or procedure to maintain, diagnose or otherwise affect a person's physical or mental condition;

(iii) "Health care institution" means an institution, facility or agency licensed or certified to provide health care in the ordinary course of business;

(iv) "Health care provider" means a person who is licensed or certified to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;

(v) "Workplace violence" means any violent act, including battery, threats of violence or assault, against a health care provider who is at work or on duty and acting within the scope of the provider's employment.

(b) Each health care institution with twenty-five (25) or more employees may display at each of its facilities not less than one (1) sign that states that abuse of or workplace violence against health care providers will not be tolerated and could result in conviction under W.S. 6-2-512 or other applicable criminal laws. The department shall provide a downloadable template for health care institutions to use if signs are displayed

according to this subsection. The signs displayed under this subsection shall be not less than eighteen (18) inches tall by eighteen (18) inches wide and written in English.

(c) The department shall develop, publish and maintain on its website information regarding health care workplace violence. The information developed shall include:

(i) Actions that health care institutions may take and policies that health care institutions may adopt to prevent, respond to, report and mitigate health care workplace violence;

(ii) A checklist of items for health care institutions to consider when developing a workplace violence prevention plan.

(d) Each health care institution with twenty-five (25) or more employees may develop and maintain a workplace violence prevention plan that includes:

(i) Resources for ongoing education on workplace violence;

(ii) Resources for the prevention of workplace violence and responding to incidents of workplace violence, including debriefing after each incident of and response to workplace violence;

(iii) Personnel education and training in a format that provides an opportunity for interactive questions and answers with a person knowledgeable about the workplace violence prevention plan. If a health care institution develops a workplace violence prevention plan, the plan shall include:

(A) How to recognize the potential for workplace violence to occur;

(B) When and how to seek assistance to prevent or respond to workplace violence;

(C) When and how to timely report violent incidents to law enforcement;

(D) Resources available to employees for coping with incidents of workplace violence.

(iv) A system for responding to and investigating incidents and situations involving workplace violence;

(v) A requirement for the health care institution to maintain and make available to its employees a written safety and security plan;

(vi) Any other information suggested by the department.

(e) Each health care institution shall report to one (1) local law enforcement agency each incident of workplace violence that occurs on the health care institution's property. If an incident of workplace violence at a health care institution results in injury, involves the use of a firearm or dangerous weapon or presents an urgent or emergent threat to the welfare, health or safety of health care providers at the health care institution, the health

care institution shall report the incident within twenty-four (24) hours of the occurrence. Notwithstanding the requirements of this subsection, if an incident of workplace violence occurs and W.S. 6-2-512(f) applies, the health care institution shall not be required to report the incident.

(f) No health care institution shall discharge, discipline or retaliate against any health care provider or employee:

(i) Who in good faith reports an incident or allegation of workplace violence; or

(ii) For seeking assistance and intervention from local emergency services or law enforcement when a workplace violence incident occurs.

(g) The department may place conditions upon a license, suspend admissions or suspend a license issued under W.S. 35-2-901 through 35-2-913 if a licensee violates any provision of W.S. 35-2-123.

Section 2. The department of health shall promulgate all rules necessary to implement this act.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2027.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)