



# DEVIN LEMAHIEU

## SENATE MAJORITY LEADER

**Senate Committee on Judiciary and Public Safety**  
**Senate Bill 970: Battery or threat to a health care provider or staff member**  
**Thursday, February 17, 2022**

Thank you Chairman Wanggaard and committee members for hearing testimony on Senate Bill 970.

SB 970 aligns criminal penalties for battery and threats of violence against healthcare workers with similar crimes committed against other critical public safety personnel like law enforcement officers.

The pandemic has highlighted the prevalence of violence and threats of violence that healthcare workers face while caring for patients. Unfortunately, this is not a recent trend.

According to the US Bureau of Labor Statistics, violence-related injuries to healthcare workers has increased 63% over the last decade. According to the BLS, individuals in the healthcare and social services industry experience “the highest rates of injuries caused by workplace violence and are five times as likely to suffer a workplace violence injury than workers overall.”

Last session, we passed Act 97 into law that expanded the Class H felony for battery to certain healthcare workers, but the legislation did not explicitly include threats of violence to a healthcare worker. Unfortunately, threats of violence may precipitate actual acts of violence.

The goal of SB 970 is to both prevent further threats of violence against healthcare workers and provide additional tools that may stop threats from becoming acts of violence.

At a hospital in northern Wisconsin, an individual was brought in for a court-ordered blood draw but was being unruly and made threats towards hospital staff. The individual stated that he knew where individual hospital staff live and made violent threats towards them and their family members. These types of unfortunate incidents underscore the need for the bill.

Despite these serious threats to hospital staff and their families, under current law, prosecutors are unable to charge the individual under 2019 Act 97.

Threats of violence to healthcare workers is becoming a workforce barrier to some of our most critical healthcare staffing positions. SB 970 reinforces to the public that threatening a healthcare worker is not acceptable, a serious offense, and is clearly punishable by law.

Thank you for your time and consideration of SB 970 and I respectfully ask for your support.



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# ROBIN J. VOS

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SPEAKER OF THE WISCONSIN STATE ASSEMBLY

## **Support for Senate Bill 970**

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety, thank you for taking the time to hear SB 970, which will do more to protect our frontline healthcare workers.

Last session, 2019 Wisconsin Act 97 was signed into law, which enhanced penalties for battery to a nurse. This bill expands beyond this important first step by including other types of healthcare professionals and others who work in a health care setting. Additionally, in order to better deter and prevent any physical harm to these health care workers, this bill also enhances penalties for the threat of battery to one of these individuals or their family members. These penalties are in line with penalties for violence and threats of violence committed against other critical public safety personnel and officers of the court.

Over the past decade, health care providers across the nation and in Wisconsin have experienced increased incidents of workplace violence. According to US Bureau of Labor Statistics (BLS) data, violence-related health care worker injuries have increased by 63% from 2011 to 2018. This trend has surely become all the more detrimental over the past two years where we have seen unprecedented stress and pressure on our health systems and workers.

I'm proud of the investments we have made to our hospitals and those working in healthcare, and this bill sends another clear message that we support those on the front lines of our healthcare system.

Thank you for your consideration of this important legislation.



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**TO: Members of the Senate Committee on Judiciary and Public Safety**

**FROM: Ann Zenk, RN BSN MHA, Vice President Workforce and Clinical Practice**

**DATE: February 17, 2022**

**RE: WHA Supports Senate Bill 970 to Protect the Health Care Frontline**

On behalf of our 140 hospital members and the more than 100,000 employees working in our state's hospitals, the Wisconsin Hospital Association (WHA) supports Senate Bill 970 and the goal of protecting health care providers and staff from threats and acts of violence. Over the past decade, threats and violence against those working in health care have continued to rise. Increasing threats to our health care worker's safety, increased burnout, and increasing workforce shortages make it imperative to provide every strategy possible to turn the tide, including the important and appreciated prevention strategy the Assembly Committee on Criminal Justice and Public Safety is considering in SB 970.

Health care leaders and health care teams continue to provide support, education and action to not just de-escalate high risk situations, hospitals and their workforce are now focusing on "pre-escalation", understanding that the best-case scenario is heading off the threat of violence before it occurs. SB 970 has the potential to provide another pre-escalation strategy for hospitals, health care teams and law enforcement to prevent physical violence.

SB 970 will create an opportunity to not just react to violence after it occurs, but to act on threats against those providing essential health services to their communities before physical harm occurs. This legislation will send an important signal to the health care workforce and those who may contemplate threatening this workforce: it's not part of your job to receive and tolerate threats of physical harm. This legislation also provides law enforcement with a clear option to take when serious threats of violence are reported and will help encourage reporting of serious threats when all else fails.

Realizing the goal of preventing threats of physical violence through this legislation is important to protecting the physical, mental, and emotional well-being of our health care workforce. Unlike the sudden and horrifying impact actual physical violence has, threats and intimidation take a more insidious toll on healthcare clinicians and support staff. The cumulative impact of continuing to bounce back from scary and hurtful statements made by individuals they care for, and will continue to care for, is a source of stress and burnout that saps the energy, joy and motivation from caregivers.

Hospital and health system leaders have witnessed the resilience of a workforce that provides compassionate care in the face of great challenge, including threats of violence. These health care heroes pull on a reserve of empathy that seems bottomless, but is not, and should not be strained with unacceptable threats and actions.

Wisconsin citizens deserve and expect high quality health care and rely on our highly-skilled and exceptional health care workforce. Threats of violence against health care workers pose a risk to individual safety that cannot be tolerated, and a risk to keeping and recruiting clinicians, technicians and support staff to health care teams.

WHA and our members ask for your support of Senate Bill 970 to help protect frontline health care workers from battery and threats of violence.



**Senate Committee on Judiciary and Public Safety**  
**February 17, 2022**  
**Testimony provided by Rudy Jackson, DNP, MHA, RN, CENP**  
**RE: Support for Senate Bill 970**

Chairperson Wanggaard and members of the committee:

Thank you for the opportunity to appear before you today and present testimony in support of Senate Bill 970, related to criminal penalties for battery or threats made to a healthcare provider, staff member of a healthcare facility, or relative. I am Rudy Jackson, a fairly new transplant to Wisconsin from Texas. I moved to this beautiful state about a year ago to assume the role of Chief Nursing Executive at UW Health. In addition to over 20 years of working as a frontline nurse and nurse leader, my 25 years of service in the US Army prepared me for the challenging field of healthcare administration. I know from first-hand experience that caring for a sick patient is rewarding beyond measure but it's also complex and demanding, and the threat of violence is real in many cases. That is why I am pleased Sen. LeMahieu and Speaker Vos have come together to pass this important bill before the end of the legislative session.

This bill is necessary even though UW Health goes to great lengths to protect employees from violence in the workplace. Patient care plans are carefully considered including timing of procedures that might trigger a negative patient reaction; medication is used to calm some patients; behavioral health experts are engaged at the first sign of potential aggression; and special PPE like Kevlar sleeves, gloves, goggles and face shields are used to create the safest possible environment for staff when necessary. In spite of these efforts, violence still occurs.

We encourage staff to use our online reporting system called HERO to report incidents that violate our zero tolerance for violence policy. Since the HERO system went live about six months ago, we have been averaging 40 reports each month. Not all of the reports are because of physical violence. Some are threats, intimidation, offensive contacts such as groping, or creating an environment that leaves the employee feeling fearful. We know from the reports submitted that injuries healthcare workers experience most often are contusions from being struck, hit or kicked; strains from attempting to restrain a patient or while holding an already restrained patient; strains from dodging punches; and wounds from scratches and/or bites. While less frequent, incidents of hair pulling, choking, headbutts, bent fingers, spitting, or needle sticks do occur and like the other examples, contribute to fear and burnout among healthcare workers.

I believe Senate Bill 970 will have the intended effect and stem the tide of violence and threats of violence perpetrated against healthcare workers providing care in healthcare facilities. I base this assertion on my experience in Texas. In 2013, Texas enacted legislation with a similar goal and after it went into effect, we saw a decrease in violence in my former emergency department. I assume that decrease was due to the media attention the new law garnered and our efforts to inform patients of the enhanced criminal penalties through signage placed strategically around the ED.

I'll bring this to a close with a final thought – healthcare is not an easy field to work in under the best circumstances and the COVID-19 pandemic has strained our workforce nearly to the breaking point. It is for this reason and the reasons above that I respectfully ask you to support Senate Bill 970 and through your support, demonstrate to the frontline healthcare worker that their health and well-being is just as important as the patients they care for day in and day out.

Thank you for your consideration. I'd be happy to take questions at this time.

# GUNDERSEN HEALTH SYSTEM®

February 17, 2022

Senator Van Wanggaard, Chair

Room 316 South  
State Capitol  
PO Box 7882  
Madison WI 53707

Senator Eric Wimberger, Vice-Chair

Room 104 South  
State Capitol  
PO Box 7882  
Madison, WI 53707

**Re: Support for Senate Bill 970**

Dear Chair Wanggaard, Vice-Chair Wimberger, and members of the Senate Committee on Judiciary and Public Safety:

My name is Clark Draxler. I work at Gundersen Health System as the Clinical Manager in Medical Oncology and the Heritage Unit. Gundersen is an integrated healthcare delivery system serving twenty-two counties in Wisconsin, Minnesota, and Iowa; this includes our primary hospital in La Crosse, six critical access hospitals, and about 70 care sites. We employ over 9,000 people.

To start this conversation, I asked myself why? Why am I driving to Madison for this? Why is this important? It's not about me, it's not about the verbally or physically abusive patient; this is about my nursing team, peers who have left their jobs and sought professional help for being too scared to enter a certain patient's room. It's also about patients whose care & recovery are impacted by the bad apples.

Healthcare providers are held to the highest standards ethically and legally. This means the *Emergency Medical Treatment and Labor Act*, the issue of physician abandonment, or charges of neglect if we ignore a patient's needs. We cannot discharge patients until we have ensured a safe discharge plan. Thus, we are in a position where we must treat patients, regardless of their actions.

Recently I followed up on a complaint about a patient who was upset we do not have locks on patient bathrooms. As I entered the unit, he stormed off to find a lobby toilet with a door that locked. Walking with the patient back to his room I explained industry regulations do not allow

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External Affairs Department 1900 South Ave., Mailstop: SIMS-000, La Crosse, WI 54601

patient bathrooms to lock. The patient told me “If I ever see your f\*\*\*ing face again, I’ll punch you in the face,” accompanied by him mimicking a punching motion. Security was present but couldn’t do anything because he never touched me. This patient still calls our service department with threatening comments. This is the exact scenario you can help address by passing SB 970.

Another example: in the spring of 2020 a patient arrived to Gundersen’s emergency room with a gunshot wound. His severe injuries limited his mobility, which in turn required frequent interventions by staff. Up to his discharge in late June of 2020, my team endured nonstop verbal harassment.

This abuse was **EVERY** time we entered the room. Some of the comments were slights just to get under our skin—if we were unable to answer him quickly enough or get exactly what he wanted on his timeline. There was sexual harassment as well—derogatory comments to our staff I won’t repeat here. If we stepped out of the room to set boundaries, we might hear him screaming profanities down the hall—certainly impacting the recovery of nearby patients.

The patient threatened to post the nurses’ names online (so his people could *take care of them*) and threatened to have his friends shoot up the hospital when he could not get opiate pain meds as fast as he wished. There was physical abuse as well, such as throwing items at staff and even a nurse’s duress tag at a TV to break it, making his threats very real.

During all this we had an interdisciplinary team who met daily to plan for how to best care for the patient; this team included the MD, RN, manager, nurse leader, and ethicist. The extra time required to address this patient’s threats and abuse in our care plan could have been spent caring for patients. As the unit manager, the attending and I would meet with the patient frequently; we issued warning letters and a subsequent no trespass order to no avail.

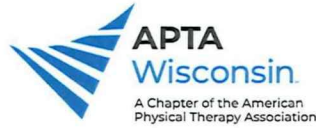
To close, I want to highlight what this legislation is really about—healthcare workers—RNs, CNAs, MDs—the dietary aide who is too scared to deliver a meal to a patient’s room. These are the professionals who are leaving healthcare because threats and abuse cannot be washed off with soap and water as you leave the patient room.

This isn’t about just about the wellness of healthcare workers, this is also about everyone’s ability to access high quality care when they need it, without enduring abusive and violent behavior from others. We need to continue to engage, retain, and recruit high quality staff in the health care field. Gundersen Health System thanks legislative leaders for authoring this bill. We ask you to please support SB 970 and pass it as soon as possible. Health care workers and the patients we serve need and deserve these added protections.

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**To:** Members of the Senate Committee on Judiciary and Public Safety

**From:** Coalition of Wisconsin Health Care Organizations

**Re:** Support of SB 970 – Battery and Threats of Violence to Health Care Providers and Staff

**Date:** February 17, 2022

Over the last decade, threats of violence and acts of violence against health care workers continues to rise at a concerning rate. Data from the US Bureau of Labor Statistics shows that nonfatal workplace injuries resulting from violence disproportionately impact people working in health care settings. In 2018, 73% of all nonfatal workplace injuries and illnesses in the United States occurred to staff working in health care related jobs. And the number of nonfatal workplace violence injuries has grown from a rate of 6.4 injuries per 10,000 full-time workers in 2011 to 10.4 injuries per 10,000 full-time workers in 2018, a rate five times higher than workers overall.<sup>1</sup>

A study by Milliman for the American Hospital Association found that hospitals spent approximately \$1.5 billion in 2016 on prevention, preparedness, and post-incident costs for violence within hospitals. While health care organizations have substantially increased efforts to protect their staff from acts of violence, more needs to be done to deter violent behavior by patients and others.

The effects of these actions by a select few impacts the availability of health care to the rest of our state. Health care providers are burned out and growing threats of violence in the workplace are forcing them to make difficult career decisions to protect themselves and their families. In the

<sup>1</sup> <https://www.bls.gov/iif/oshwc/foi/workplace-violence-healthcare-2018.htm>

first five months following the fall 2020 surge in COVID cases, health care workers “quit rate” increased by 30%. Data from national organizations representing critical care nurses shows that two out of every three critical care nurses have considered leaving their jobs due to their experience over the last two years. Each threat experienced or witnessed takes an emotional toll on clinicians.

In a recent interview with the Wisconsin State Journal, Dr. Chris Eberlein, an emergency medicine physician at Gundersen Health System, spoke to the very real dilemma facing health care providers today. “It’s a difficult job at base line. You do it ... to take care of your community and to help others,” Eberlein said. “When you’ve got people that are acting that way, either verbally or physically assaulting you, it really will make people question whether this is the right thing for them.”<sup>2</sup>

“The stress, pressure, and violence the health care profession has endured over the past two years is unprecedented and has contributed to higher attrition rates among nurses and hospital staff when we can least afford to lose them,” said Majority Leader LeMahieu, Speaker Vos, Senator Wanggaard and Representative Magnafici as they circulated this legislation. We strongly agree regarding the need to protect health care providers and staff from threats and acts of violence.

We respectfully ask for your support of Senate Bill 970.

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<sup>2</sup> Wahlberg, D. (2022, February 5) Wisconsin bill would make violent threats against health care workers a felony. *Wisconsin State Journal*. [https://madison.com/news/local/health-med-fit/wisconsin-bill-would-make-violent-threats-against-health-care-workers-a-felony/article\\_c59dcd15-8f3d-522a-bdef-b8f2bd0d2dd1.html](https://madison.com/news/local/health-med-fit/wisconsin-bill-would-make-violent-threats-against-health-care-workers-a-felony/article_c59dcd15-8f3d-522a-bdef-b8f2bd0d2dd1.html)



## Senate Committee on Judiciary and Public Safety

### 2021 Senate Bill 970

*Battery or Threats to a Health Care Provider or Staff Member of a Health Care Facility and  
Providing a Penalty  
February 17<sup>th</sup>, 2022*

Good morning Chairman Wanggaard and the members of the Senate Committee on Judiciary and Public Safety. SSM Health thanks the committee for the opportunity to submit written testimony in support of Senate Bill 970, also known as the “Protect the Frontline” Act, which would make it a Class H felony to commit battery or make a threat to a health care worker, health care facility staff, or a family member of a health care worker or facility staff member. We also appreciate the bill’s authors for bringing this important piece of legislation forward and the numerous members of this committee who signed onto the bill as co-sponsors.

SSM Health is a Catholic, not-for-profit health system serving the comprehensive health needs of communities across the Midwest through a robust and fully integrated health care delivery system. The organization’s more than 40,000 employees and physicians, including approximately 14,500 in Wisconsin, are committed to providing exceptional health care services and revealing God’s healing presence to everyone they serve.

Our mission calls us to care for everyone, but unfortunately, like many other health care facilities, SSM Health must balance between providing care to those most in need and ensuring our staff remains safe from aggressive and threatening behavior from patients, families and visitors. The threats are not just focused on care staff, such as physicians or nurses. We are seeing threats against the full spectrum of employees within our walls – including registration staff, clinical technicians, nurses, physicians, environmental services workers, and chaplains.

Examples we have seen reported in our health system include verbal threats, letters being sent to the homes of providers that contain threatening or abusive language, and calls to our facilities threatening violence against staff. And we all too often see this threatening behavior escalate into physical attacks.

Perhaps even more concerning is the number of threats, verbal abuse, and physical attacks against health care workers have increased over the past decade and began before the pandemic. In 2021, staff reported 117 incidents of physical assault at SSM Health St. Mary’s Hospital – Madison, which is just one of our seven hospitals in Wisconsin.

The stated purpose of the “Protect the Frontline” Act is to both prevent further threats of violence against healthcare workers and provide additional tools that will hopefully stop threats from becoming acts of violence. This legislation complements efforts by Laura Kaiser, SSM Health president and CEO, who is a founding member of the CEO Coalition - a group dedicated to addressing the medical industry’s worsening pattern of violence.

SSM Health remains dedicated to creating policies that increase safety, educate staff on how to spot threats and train them on violence prevention. Additionally, SSM Health also has formed a System Workplace Violence Team focusing on efforts to mitigate violence and aggression events against healthcare professionals. With the growing trend of assault directed at health care workers, staff in

health care facilities, and even their families; SB 970 takes a vital step toward protecting our frontline workers and supporting the important work they do.

Thank you again for the opportunity to provide comments in support of Senate Bill 970. If you have any questions please feel free to reach out to SSM Health's Director of Government Affairs, Ben Van Pelt, at [benjamin.vanpelt@ssmhealth.com](mailto:benjamin.vanpelt@ssmhealth.com).

STATE OF MISSOURI  
SENATE  
COMMITTEE ON HEALTH CARE

SENATE BILL 970  
PROTECTING FRONTLINE HEALTH CARE WORKERS  
AND SUPPORTING THE IMPORTANT WORK THEY DO

STATE OF MISSOURI  
SENATE  
COMMITTEE ON HEALTH CARE

SENATE BILL 970  
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SENATE BILL 970  
PROTECTING FRONTLINE HEALTH CARE WORKERS  
AND SUPPORTING THE IMPORTANT WORK THEY DO

Senator Wanggaard and Members of the Senate Committee on Judiciary and Public Safety

I am pleased to have the opportunity to provide written testimony on Senate Bill 970.

I greatly appreciate the concern expressed by the bill's authors for the safety of health care workers in Wisconsin. Social workers, who are considered health care workers, have experienced threats and physical violence in the course of their duties for decades. Whether these social workers are child welfare workers, hospital social workers, clinical social workers or school social workers, safety has been a huge ongoing concern.

In 2004 our national office partnered with the Center for Health Workforce Studies, University of Albany to conduct a national safety study of 10,000 licensed social workers. 44% of the respondents reported facing personal safety issues in their primary employment setting and 30% felt that their employers did not adequately address safety issues.

In 2015 the Wisconsin Chapter of NASW conducted a survey of 153 social workers related to social work safety and participants related experiences. Most respondents reported that they considered client violence toward social workers to be a significant issue to the profession. When asked if participants had ever been threatened by a client, either verbally or as a physical gesture, 47% reported that they had, which included threats to life and safety towards the worker and their families. Statements were made to workers such as, "I'm going to gut you," and, "your family will miss you when you're gone." Additionally, several participants related that they had been victims of property damage, stalking, sexual misconduct, and threats in which weapons, such as household objects and guns, were utilized.

In addition, 24% of respondents reported that they had been attacked or faced an attempted attack by a client through grabbing, scratching, biting, slapping, kicking, hitting with objects, punching, choking, and stabbing. These attacks took place during home visits, in office settings, in community agencies and even in their personal vehicles. Those that relayed that they had obtained injuries described instances of broken skin (at times in need of stitches), puncture wounds, bruising, dislocation, headache, concussion, broken appendages, and PTSD. These instances left workers feeling "upset", "distraught", "frightened", "angry", "sad", and other negative emotions that lead to workers feeling compelled to leave for the workday or no longer work with particular clients.

Once again we appreciate the concern expressed by bill sponsors for the safety of health care workers, including social workers.

Marc Herstand, MSW CISW  
Executive Director  
National Association of Social Workers, Wisconsin Chapter