

Assault in the 2nd Degree... Nurses continue to be assaulted while working...

The "2009 Emergency Department Violence Survey" conducted by the Emergency Nurses Association collected data on violent incidences on emergency nurses across the nation. It found that physical violence and verbal abuse rates were as high as 54% but that 64-87% of assaulted nurses did NOT file a report. Reasons given for not reporting included fear, lack of support from hospital administration, as well as lack of support from law enforcement. When physical assaults had been reported, 23% of assailants were only given a written warning and in 44% of the cases, no action was taken whatsoever. Only a small percent of ER violence is ever prosecuted.

NYS Penal Code 120.05 part 3 defines assault on police and fire officials, and now, nurses as well, as a class D felony punishable by a sentence of 2 1/3 to 7 years in prison. The crimes were previously charged as misdemeanors, but the Governor and state legislature, recognizing an increase in assaults against nurses, instituted the changes in hopes of reducing such assaults. Unfortunately, nurses continue to be assaulted while caring for their patients. Violence in the ER not only disrupts care of patients, but endangers them as well as the medical staff and those around them.

In August of 2010, 2nd degree assault laws, previously covering law enforcement and firefighters performing their duties, were changed to include registered nurses and licensed practical nurse to the occupations protected under the law. The change in the law recognized the severity of violence against nurses. Despite this change, assaults on nurses continue with low report and arrest numbers creating difficulties with prosecution. One factor may be a lack of awareness of the changes in law. Better awareness of these changes by law enforcement and awareness of the difficulties ER nurses face will improve enforcement and thus decrease occurrences of violence in the ER.

Violence is violence. Every incident of violence should be reported, documented and dealt with. When rendering care, nurses are often put in harm's way much like firefighters and law enforcement officers. If someone suffers from mental illness, drug/alcohol abuse or other disabilities it is not an acceptable excuse for violence, making our job to care for our patients and their families although difficult. Not every assault is a felony. It is the District Attorney's office that decides whether an incident warrants a felony charge or harassment but documentation of the violent incident by law enforcement agencies is warranted. Criminal cases should not be simply be dismissed due to an assailant's illness or disabilities. Violent attacks on nurses are not an acceptable part of the job although it occurs. When law enforcement agencies are called to assist, the incident should be reported. It is only with the help of the local law enforcement agency that we can deter these attacks against the nursing professional. It is our job to assist in the treatment of all who come through our emergency doors, whoever they might be. Our job serves the public in need much like that of firefighters and law enforcement.

NYS Penal Code 120.05 part 3 defines assault on police and fire officials, and now, nurses as well, as a class D felony punishable by a sentence of 2 1/3 to 7 years in prison. The crimes were previously charged as misdemeanors, but the Governor and state legislature, recognizing an increase in assaults against nurses, they instituted the changes in hopes of reducing such assaults. Unfortunately, nurses continue to be assaulted while caring for their patients. Violence in the ER not only disrupts care of patients, but endangers them as well as the medical staff and those around them.

With an increased public understanding that an assault of a nurse while on duty is not only unacceptable, but a crime and the development of a strong collaborative team between hospital administrations and local law enforcement agencies committed to the prosecution of these crimes, nurses will be less likely to experience workplace violence.

Our fight does not end with the passing of a law. It only begins. There is still work to be done, but change takes time. We will continue to fight until every nurse can feel safe caring for their patients and their families and we ask your support in the documentation and prosecution of any and all violent attacks in the ER. Together we can decrease the occurrence of these incidents while maintaining the respect and care that our patients and their families deserve.

Sandi Tetler BSN ,RN

2013 State Secretary
New York State Council Emergency Nurses Association

References:

ENA, Emergency Department Violence Surveillance Study 2010,
July/August 2009 issue of *The Journal of Nursing Administration*
ENA IENR, Emergency Nurses Association Headquarters
915 Lee Street Des Plaines, IL 60016-6569, 800-900-9659
NYS Department of Criminal Justice Service,
Alfred E. Smith Building
80 South Swan St. Albany, New York 12210