

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2154

6 By: Roe

7 COMMITTEE SUBSTITUTE

8 An Act relating to health care facility violence;
9 amending 21 O.S. 2021, Section 650.4, which relates
10 to assault and battery upon medical care provider;
11 amending definition of medical care provider to
12 include any employee or independent contractor of a
13 health care facility; amending 21 O.S. 2021, Section
14 650.5, which relates to aggravated assault and
15 battery or assault with firearm upon medical
16 technician or care provider; amending definition of
17 medical care provider to include any employee or
18 independent contractor of a health care facility;
19 amending 63 O.S. 2021, Section 1-114.3, which relates
20 to warning sign for assault of medical professional;
21 adding requirements for reporting assaults; providing
22 what criteria to report; requiring the State
23 Department of Health to publish data on its website;
24 and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2021, Section 650.4, is
amended to read as follows:

Section 650.4 A. Every person who, without justifiable or
excusable cause and with intent to do bodily harm, commits any
assault, battery or assault and battery upon the person of a medical

1 care provider ~~who is performing medical care duties~~, upon
2 conviction, is guilty of a felony punishable by imprisonment in the
3 custody of the Department of Corrections for a term not exceeding
4 two (2) years, or by a fine not exceeding One Thousand Dollars
5 (\$1,000.00), or by both such fine and imprisonment.

6 B. As used in this section, "medical care provider" means
7 doctors, residents, interns, nurses, nurses' aides, ambulance
8 attendants and operators, paramedics, emergency medical technicians,
9 laboratory technicians, radiologic technologists, physical
10 therapists, physician assistants, chaplains, volunteers,
11 pharmacists, nursing students, medical students and, members of a
12 hospital security force, and any other employees or independent
13 contractors working in or for a health care facility.

14 SECTION 2. AMENDATORY 21 O.S. 2021, Section 650.5, is
15 amended to read as follows:

16 Section 650.5 A. Every person who, without justifiable or
17 excusable cause and with intent to do bodily harm, commits any
18 aggravated assault and battery or any assault with a firearm or
19 other deadly weapon upon the person of a medical care provider, upon
20 conviction, is guilty of a felony punishable by imprisonment in the
21 custody of the Department of Corrections for a term not less than
22 two (2) years nor more than five (5) years, or by a fine not to
23 exceed One Thousand Dollars (\$1,000.00), or by both such fine and
24 imprisonment.

1 B. As used in this section, "medical care provider" means
2 doctors, residents, interns, nurses, nurses' aides, ambulance
3 attendants and operators, paramedics, emergency medical technicians,
4 laboratory technicians, radiologic technologists, physical
5 therapists, physician assistants, chaplains, volunteers,
6 pharmacists, nursing students, medical students ~~and~~, members of a
7 hospital security force, and any other employees or independent
8 contractors working in or for a health care facility.

9 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-114.3, is
10 amended to read as follows:

11 Section 1-114.3 A. Every hospital, health clinic and ambulance
12 service shall display at all times in a prominent place a printed
13 sign with a minimum height of twenty (20) inches and a minimum width
14 of fourteen (14) inches, with each letter to be a minimum of one-
15 fourth (1/4) inch in height, which shall read as follows:

16 WARNING: ASSAULTING A MEDICAL PROFESSIONAL WHO IS ENGAGED IN THE
17 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A SERIOUS CRIME.

18 Section 650.4 of Title 21 of the Oklahoma Statutes.

19 B. Every hospital, health clinic and ambulance service shall
20 report by January 31 all assaults for the prior year on all medical
21 care providers in the facility, on facility property, or while
22 performing duties in an official capacity to the State Department of
23 Health on an annual basis without any identifying information
24

1 regarding the individual who was assaulted or who committed the
2 assault. The following data shall be provided to the Department:

- 3 1. An aggregate number of individuals assaulted annually;
- 4 2. The type of assault, either verbal, physical, and/or sexual;
- 5 3. Role of the perpetrator, either coworker, patient, or
6 patient's family; and
- 7 4. Location of the assault.

8 The State Department of Health shall have rulemaking authority to
9 implement the provisions of this section.

10 C. The State Department of Health shall not make public any
11 identifiable information in regard to facility, individual or
12 location of assaults, if such information is received. The
13 Department shall publish on its website, on an annual basis,
14 aggregate numbers for the data collected pursuant to subsection B of
15 this section.

16 SECTION 4. This act shall become effective November 1, 2023.

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