

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2154

By: Roe of the House

and

Thompson (Kristen) of the
Senate

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10 COMMITTEE SUBSTITUTE

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

1 Section 650.4 A. Every person who, without justifiable or
2 excusable cause and with intent to do bodily harm, commits any
3 assault, battery or assault and battery upon the person of a medical
4 care provider ~~who is performing medical care duties~~, upon
5 conviction, is guilty of a felony punishable by imprisonment in the
6 custody of the Department of Corrections for a term not exceeding
7 two (2) years, or by a fine not exceeding One Thousand Dollars
8 (\$1,000.00), or by both such fine and imprisonment.

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

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

19 Section 650.5 A. Every person who, without justifiable or
20 excusable cause and with intent to do bodily harm, commits any
21 aggravated assault and battery or any assault with a firearm or
22 other deadly weapon upon the person of a medical care provider, upon
23 conviction, is guilty of a felony punishable by imprisonment in the
24 custody of the Department of Corrections for a term not less than

1 two (2) years nor more than five (5) years, or by a fine not to
2 exceed One Thousand Dollars (\$1,000.00), or by both such fine and
3 imprisonment.

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

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

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

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

21 Section 650.4 of Title 21 of the Oklahoma Statutes.

22 B. Every hospital, health clinic and ambulance service shall
23 report by January 31 all assaults for the prior year on all medical
24 care providers in the facility, on facility property, or while

1 performing duties in an official capacity to the State Department of
2 Health on an annual basis without any identifying information
3 regarding the individual who was assaulted or who committed the
4 assault. The following data shall be provided to the Department:

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
21 02/27/2023 - DO PASS, As Amended and Coauthored.

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