

Welcome to WNA's Update on the Workplace Violence Legislation

**IT'S NOT PART OF THE JOB**  
**STOP WORKPLACE VIOLENCE**

Wisconsin's current State Statute Chapter 940.20 Battery: several circumstances provide penalties for battery on an emergency department employee resulting in a Level 4 Felony which can be a \$10,000 fine and/or one year of incarceration.

Battery is defined as intentionally causing bodily harm or trespass to land from:

Data shows that nurses are victims of battery beyond the emergency room. Practice settings where assaults are taking place include the following:

- other units of the hospital
- nursing homes
- equipment
- schools

The preliminary results of a survey indicate that nurses are being subjected to:

- Physical assault: punched, bitten, kicked, restraint, sexual hit,
- Verbal assault: name calling, swearing, threats, obscene language,
- Sexual assault: sexual assault, harassment with sexual language and/or comments.

**THIS SHOULD NOT BE PART OF THE JOB FOR A NURSE.**

**SOLUTION:** Amend State Statute Chapter 940.20 to include all registered nurses, licensed practical nurses and those workers that are reimbursed by the AH regardless of their work setting.

By amending 940.20 employees of nurses will not receive notice to the public that physical, verbal or sexual assault will not be tolerated.

**GET INVOLVED TODAY!** 800-22-6983  
www.wisconsinnurses.org  
wcnurses@wna.org

**WNA**  
WISCONSIN NURSES ASSOCIATION

**Workplace Violence against Nurses: It's NOT Part of the Job!**

Presenters:  
**Gina Dennik-Champion, MSN, RN, MSHA**  
WNA Executive Director & Lobbyist  
**Forbes McIntosh**  
President of Government Policy Solutions & WNA Lobbyist

WNA Webinar -- September 10, 2019

**WNA**  
WISCONSIN NURSES ASSOCIATION

## Presentation Goals

1. Provide an overview on the issue of workplace violence against nurses in Wisconsin
2. Explain the legislative intent of the Workplace Violence Legislation
3. Prepare for WNA's request for contacting legislators next week



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## What is workplace violence against nurses?

WNA: "violent acts (including physical assaults and threats of physical assaults) directed towards persons at work or on duty."

- Assault can be physical, verbal and/or sexual
- Can be patients, family members and visitors
- Occurs in ALL settings of care - not just behavioral health/emergency
  - Almost 45% of incidences in Wisconsin occur in acute care



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## Workplace Violence – How big of an issue is it?

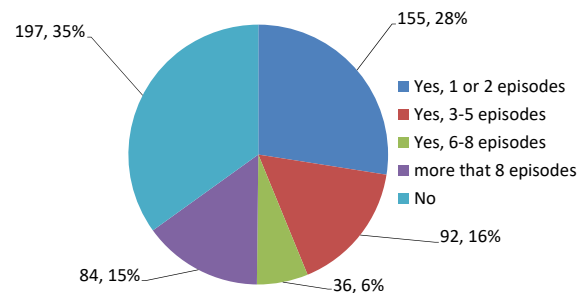
2017 WNA & UWEC Survey on Workplace Violence reported the following in the past 12-months

- 65% report experienced or witnessed workplace violence in the past 12 months
  - 52% reported being verbally assaulted in the past year
  - 34% reported physical assault
  - 13% reported sexual assault



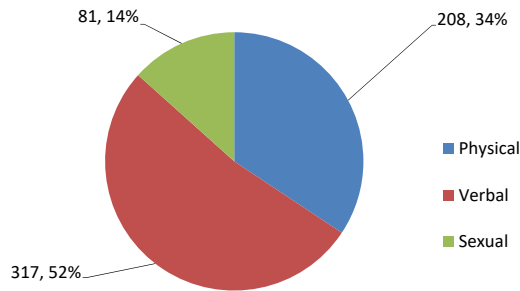
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Have you personally experienced workplace violence directed at yourself by patients, family members and/or visitors while on duty in the last 12 months?



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What type of violence have you experienced in the workplace? (please check all that apply)



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### Physical Violence Experienced/Witnessed

- Patient punching staff
- Hitting, kicking, grabbing, spitting
- Patient punched my CNA in the face
- Biting
- Throwing objects TV remotes, furniture,
- Hair pulling, hair ripped out
- Knocked staff out cold
- Throwing bodily fluids on staff
- Headbutt in the face
- 5 Concussions, herniated disc, broken leg, bursitis in shoulder from aggressive contact, knocked out front tooth
- Strangled
- Stabbed with pens
- Gouged nails into my arm
- Thrown to the floor
- Scratched
- Patient jumped on my back and tried to bite me, wrap IV tubing around my neck and try to hit me with the IV pole

### Verbal Violence Experienced/Witnessed

- Yelling slanderous comments
- Threatening, use of profanity
- Threat of killing my unborn child- patient attacked staff multiple times
- Swearing, berating, insults
- Threats to harm me, rape me, hurt my kids
- Bullied
- Threaten my license
- Legal threats
- Racial Slurs
- Called inappropriate names
- Name calling, racist remarks false accusations, staff bashing

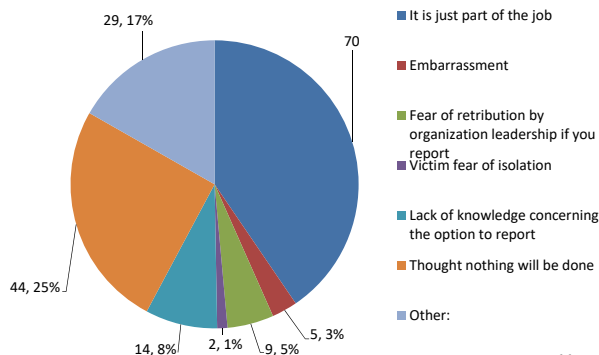
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### Sexual Violence Experienced/Witnessed

- Suggestive dirty talk
- Molestation of male and female staff
- Pushed up against a wall and attempted to kiss
- Coworkers have been stalked by patients, involving sexually inappropriate letters being written after discharge

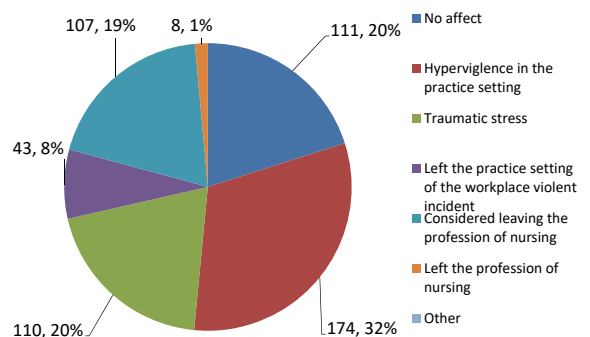
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If you did not report the workplace violence directed toward you by patients or visitors, was it due to any of the following reasons:



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If you experienced or witnessed workplace violence by patients, family members and/or visitors has it led to any of the following conditions/processes? (please check all that apply)



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## Workplace Violence – How big of an issue is it?

- OSHA (2011-2013) - Nearly 2 million American workers reported having been victims of workplace violence each year.
  - Unfortunately, many more cases go unreported.
- Workplace violence assaults range from 23,540 to 25,630 annually
  - Seventy to 74% occurring in health care and social services arenas



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## What are some outcomes of workplace violence?

- **Physical and emotional consequences**
  - Acute (short-term) or chronic (long term)
  - Minor to serious injuries/death
  - Temporary to permanent disability
  - Psychological trauma
- **Financial consequences**
  - Lost work time
  - Out of pocket expenses for care or legal fees



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## “But isn’t our focus to take care of patients?”

### “I WILL PROTECT MY OWN LIFE so I CAN Protect MY Patients” (ANA, 2019)

- Workplace violence can and does impact retention of employees
  - Due to injuries suffered
  - Contributes to nurse burnout
- Health care workers who leave because of assaults and threats of violence contribute to a healthcare workforce shortage



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## Current State of the Law

**Battery:** a person who intentionally causes bodily harm to another without the other person’s consent

- Penalties increase depending on severity of injury (fines/imprisonment)

**Criminal Code Wisconsin State Statute 940:** workplace violence against workers from certain settings can receive a Class H Felony charge

- Class H felony: Fines of up to \$10,000, prison terms of up to six years
- Includes law enforcement officers, persons serving on a jury, and emergency medical care providers

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## Current State of the Law other States

- 31 states impose additional penalties on workplace violence against nurses in all health care settings

AL, AK, AR, AZ, CA, CO, CT, DE, FL, HI, ID, IL, IA, MI, MT, NE, NV, NJ, NM, NY, NC, OH, OK, RI, TN, TX, UT, VT, VA, WV, WY **Let’s make WI 32!!**



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## Wisconsin Legislature

### Governor Tony Evers (D)

First Elected 2018 | Re-Elect 2022

Senate	Members	33
2020 Re-Elect Even Numbered Seats	Republican	19
	Democratic	14

Assembly	Members	99
2020 Re-Elect All Seats	Republican	63
	Democratic	36



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## State Senate

**Members 33**  
**Republican 19**  
**Democratic 14**

- 4-Year Terms | Election 2020 “Even-Numbered” Districts
- 4 new Senators elected in 2018.
- 8 Senators are women (2 African American).
- Average age of Senate is 58 (Ages 31 to 91).
- All 33 senators continued their formal education beyond high school.

SENATE  
PRESIDENT



Roger Roth  
(R - Appleton)

MAJORITY  
LEADER



Scott L. Fitzgerald  
(R - Juneau)

MINORITY  
LEADER



Jennifer Shilling  
(D - La Crosse)



## State Assembly

**Members 99**  
**Republican 63**  
**Democratic 36**

- 2-Year Terms | Election 2020 All Districts
- 18 new Assembly Representatives elected in 2018.
- Largest majority held by a party since the 1957.
- 28 members are women (4 more than last session).
- 5 Representatives are African-American and 3 Hispanic.
- Average age of Assembly is 49 (Ages 19 to 80).
- 47 hold bachelor's degrees, 24 pursued graduate degrees.

ASSEMBLY  
SPEAKER



Robin Vos  
(R - Rochester)

MAJORITY  
LEADER



Jim Steineke  
(R - Kaukauna)

MINORITY  
LEADER



Gordon Hintz  
(D - Oshkosh)



## Nurse Workplace Violence Legislation Lead Authors



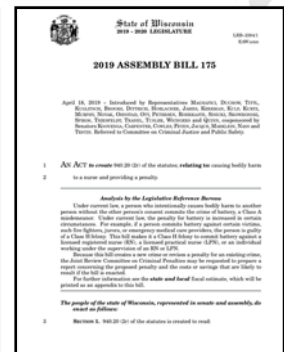
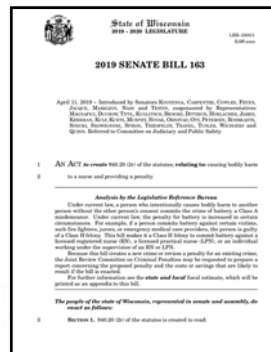
Senator Dale Kooyenga  
Senate District 5  
R-Brookfield



Representative Gae Magnafico  
Assembly District 28  
R-Dresser



## Nurse Workplace Violence Legislation Senate Bill 163 - Assembly Bill 175



## Nurse Workplace Violence Legislation Senate Bill 163

### Senate Committee on Judiciary & Public Safety



Committee Members:

- Sen. Van Wanggaard, Chair (R-Racine) – Retired Law Enforcement
- Sen. André Jacque, Vice-Chair (R-DePere)
- Sen. Alberta Darling (R-River Hills)
- Sen. Fred Risser (D-Madison) - Attorney
- Sen. Lena Taylor (D-Milwaukee) - Attorney

Public Hearing Scheduled: **9/17/19 10:00 am Rm. 411 South**



## Nurse Workplace Violence Legislation Assembly Bill 175

### Assembly Committee on Criminal Justice & Public Safety



Committee Members:

- Rep. Novak (R-Dodgeville)
- Rep. Schraa (R-Oshkosh)
- Rep. Krug (R-Nekoosa)
- Rep. Crowley (D-Milwaukee)
- Rep. Spreitzer (D-Beloit)
- Rep. Emerson (D-Eau Claire)
- Rep. Stubbs (D-Madison)
- Rep. McGuire (D-Kenosha)\*
- \* Attorney
- Rep. Spiros, Chair (R-Marshfield)
- Rep. Sortwell, VC (R-Two Rivers)
- Rep. Ott (R-Mequon)\*
- Rep. Steffen (R-Green Bay)
- Rep. Horlacher (R-Mukwanago)\*
- Rep. Duchow (R-Delafield)

Public Hearing Scheduled: **Wednesday 9/18/19 State Capitol**

## Nurse Workplace Violence Legislation Senate Bill 163 - Assembly Bill 175

- Under current law, a person who intentionally causes bodily harm to another person without the other person's consent commits the crime of battery, a Class A misdemeanor.
- Under current law, the penalty for battery is increased in certain circumstances. For example, if a person commits battery against certain victims, such as fire fighters, jurors, or emergency medical care providers, the person is guilty of a Class H felony.
- **This bill makes it a Class H felony to commit battery against a licensed registered nurse (RN), a licensed practical nurse (LPN), or an individual working under the supervision of an RN or LPN.**
- Wisconsin Statute §939.50(3)(h). Class H Felony: Fine not to Exceed \$10,000 or imprisonment not to exceed 6-years, or both).

## Preparing for the Public Hearings

- Come one or both days to register support and observe
- Come one or both days to testify
- Send letter via email to the members of the Committees asking for support and to vote it out of committee asap
- Send letter via email to your legislator requesting support
- It will be very important to contact your legislator if he/she is a member of one of the committees.



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## Testifying Tips

1. **Register “to speak in favor”;** provide written testimony with your name and home address.
2. **Identify yourself, your professional title and where you work.**
3. **Give the Committee your one-line starter.** “I am testifying in support of the Nurse Workplace Violence bill.”
4. **Frame the issue.** Talk about the problem this legislation will solve and what society and nursing profession will gain from it. Explain how passage will benefit a broad base of caregivers – nurses.

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## Testifying Tips

5. **Legislators are people.** Talk to them as people; be friendly, sincere, and honest.
6. **Legislators are generalists.** Due to the nature of the job they know a little about a lot but may not know the details about the nursing profession and the issue of workplace violence. Don't expect them to be versed in the topic. Begin with an explanation of the general topic including necessary background. Be as succinct as possible.
7. **Provide good information, give only facts.** Legislators are influenced by facts. If the facts are on your side you will have a much better chance of obtaining their agreement and support.

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## Testifying Tips

8. **Answer all questions directly; don't provide only half the story; “Yes – No – I don't know.”** If a legislator believes he or she has been deceived or misled, you will be working with an angry legislator. It's okay to reply - “I don't know.”
9. **Recognize that there is probably a sound logical argument in opposition to you.** There are other interest groups who believe and argue logically that what you want to do is not good public policy. Holding such views does not make your opponents bad people, but as nurses in the field we respectfully disagree. Some legislators will disagree with your position. Treat them respectfully. They may be allies on other issues.

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## Talking Points for Legislators

- Workplace Violence against nurses is becoming all too common.
  - Describe your experience (witness or victim)
  - Did or was it reported
    - Why or why not?
  - Were the police contacted
  - What was the result?



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## Talking Points for Legislators

- Expanding the Level H Felony penalty to all settings where nurses work can support nurse safety by:
  - There will be increased visibility that physical, emotional and/or sexual assaults or threats of assaults against nurses will not be tolerated.
  - Nurses will feel more empowered to report actual or threats of assaults.



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## Talking Points for Legislators

- Increased reporting will hopefully stop perpetrators as more nurses become confident in sharing the criminal penalty for assault.
- 31 states impose additional penalties on workplace violence against nurses in all health care settings - this includes Illinois, Iowa and Michigan.



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## Discussion

### Participant Poll

1. Are you planning on contacting members of the Senate and Assembly Criminal Justice and Safety Committee?
2. Are you able to attend one or both of the public hearings (9/17 9/18)?
3. If you are comfortable in responding, have you personally experienced or witnessed workplace violence by a patient, family member or visitor?



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## Next steps

- WNA software platform that will send a **Take Action Alert** when it is time to contact legislators.
- The alert will provide information about the public hearings, provide talking points and sample letters 1. for committee members and 2. for your legislator.
- You will receive two **Take Action Alerts** - one for the Senate and one for the Assembly Public Hearings.
- WNA will be more than happy to assist you writing your testimony.

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## Wisconsin Nurse Advocacy Fund



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you will receive a #WINURSEADVOCATE shirt

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## CNE credit for this Webinar

- 1.0 contact hour of CNE credit available
- Complete the online evaluation by Monday, September 16, 2019
- See the email with instructions for joining webinar for a link to the evaluation, or go to

[wisconsinnurses.org/wv-webinar-eval/](http://wisconsinnurses.org/wv-webinar-eval/)



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Questions?