

Legal Support Relative To the Healthcare Heroes Violence Prevention Act

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Health Care Heroes Violence Prevention Act

ASSEMBLY, No. 3199 | Introduced March 7, 2022

Signed into Law May 8
2023

Key provisions:

- Expands the aggravating factors considered by the court in sentencing a defendant to include offenses against health care professionals.
- Makes it a criminal offense to intentionally threaten health care workers in an attempt to intimidate them or interfere in their work.
- Establishes the disorderly persons offense to threats against a health care professional, volunteer, or supportive services staff working at a health care facility.
 - Definition of a health care professional includes medical and non-medical staff, volunteers, supportive services staff members, employees and contracted staff.
- Establishes additional penalties for anyone who commits assault against a support services staff member, volunteer, or employee of a health care facility.
- The court may sentence a defendant to complete an anger management course of up to 12 months or perform up to 30 days of community service.
- Requires physician practices and health care facilities to display written notice with specific verbiage.

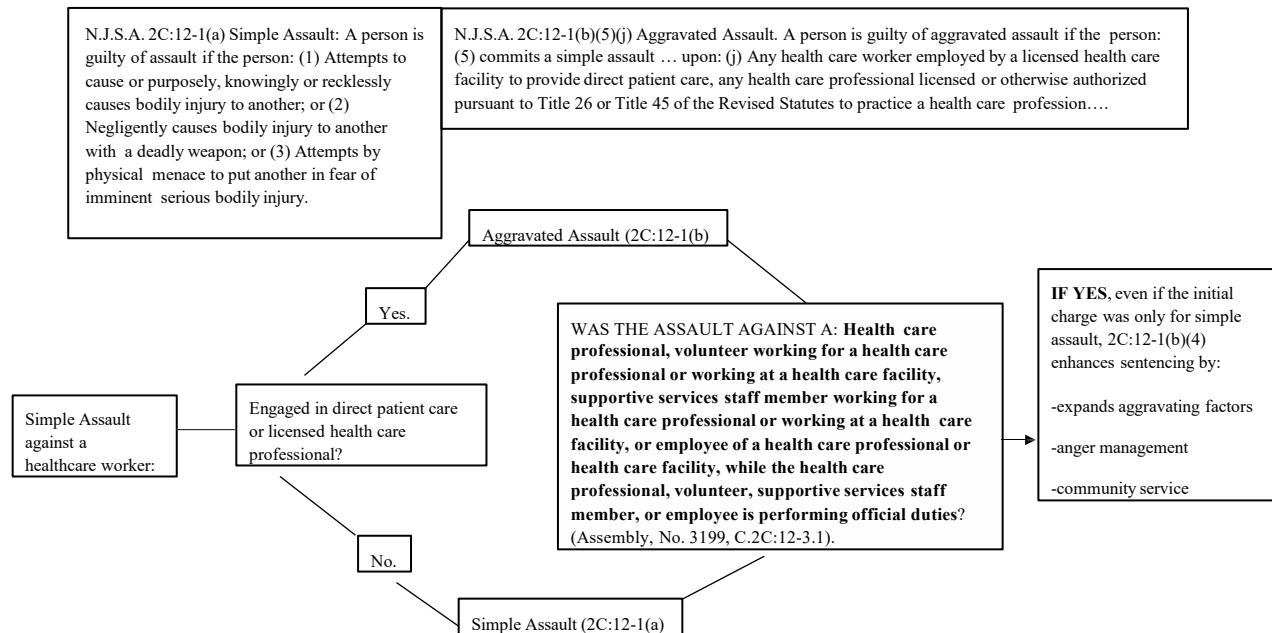
Charges:

Those committing a disorderly persons offense may be charged under [Section 2C:12-3.1](#)
Those assaulting a healthcare professional may be charged under [Section 2C:12-1b](#)

HEALTH CARE HEROES VIOLENCE PREVENTION ACT

ASSEMBY, No. 3199 – Introduced March 7, 2022

Charges and Sentencing:



NEW ACT upgrading certain penalties for assault and requiring testing for communicable diseases

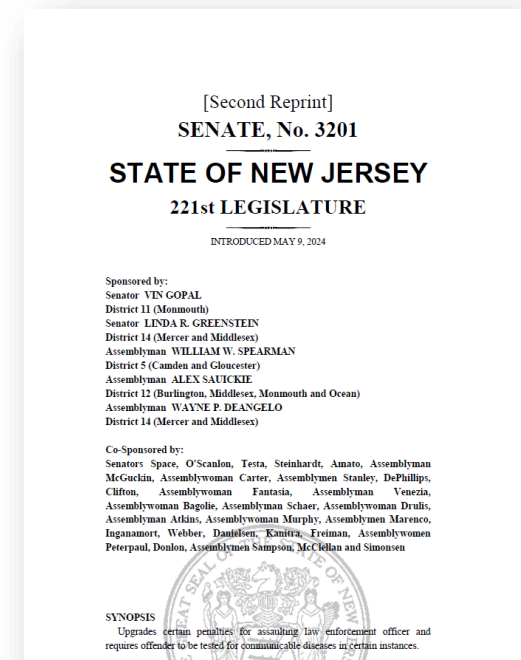
SENATE, No. 3201

Signed into Law
November 18, 2024

Upgrades penalties for assaults against law enforcement officers, emergency responders, and **health care personnel** – this bill was introduced and ultimately signed as assaults with those involving body fluids have increased exponentially over the last several years.

Key Provisions

- Assaults resulting in serious bodily injury are now classified as second-degree crimes. The law prohibits pleas to lesser charges.
- The law extends protections to health care professionals, including those providing direct patient care and those under Title 26 and 45.
- Offenders who assault using bodily fluids are required to undergo testing for communicable diseases.



Standard Operating Procedure

“Legal is Here to Help”

- **When help might be needed:**
 - Staff victim
 - Staff witness
 - Staff accused
- **Police Involved – help is provided**
 - Pursue charges
 - Interviews
 - Testify in court
 - Criminal defense counsel (limited)

“Legal is Here to Help”

- How Does the Standard Operating Procedure (SOP) Work?
 - Risk management, Security and the Administrator on call, Chief Operating Officer and/or President are contacted
 - Risk Management and/or Security contact Legal
 - Legal Coordinates Investigation
 - A “Management Group” is created and “Huddles”
 - Legal addresses release of Information to the following
 - Media
 - Law Enforcement
 - State Agencies
 - Reports to be made

“Legal is Here to Help”

- Press Charges
- Serve as liaison between Victim or Witness and law enforcement/Prosecutor’s Office
- Support Staff
- Advocate for enhanced charges and sentencing under the HCHVP Act
- Participate in interviews, court appearances, including hearings

“Legal is Here to Help”

- How did we roll out the SOP?
 - Education
 - Security
 - Nursing
 - Upper Management
 - Presentations
 - Spreading the word
 - Showcasing matters
 - SOP is on our system’s intranet

Success Stories

- WPV Case – Verbal Threats Only
- Municipal Court
- Family Member of Patient
- Plead Guilty to a Disorderly Persons Offense
- RWJBH Legal Team provided discussion/education on the HHVP Act in Court
- Enhanced Sentence was Applied included:
 - Fine
 - Mandatory Court Ordered Anger Management
 - No Contact with Victim
 - Prohibited from RWJBH Hospitals, except for emergent medical care.

Success Stories

- WPV Case
- Municipal Court
- EMT responded to a car accident and while attending to the driver, the driver became aggressive towards the providers. The driver kicked our EMT in the face.
- The Municipal Court Prosecutor wanted to dismiss the case.
- The RWJBH Legal Team advocated for our EMT under the HCHVP Act
- The Defendant ultimately plead to the following (which was agreeable to the client):
 - Defendant plead guilty to a disorderly persons offense.
 - The plea included a fine; and
 - for the Defendant to continue psychiatric treatment.

Case Pending

- Patient struck staff member
 - Initially, the matter was sent to the Municipal Court.
 - After discussions with the police department and the prosecutors, we were able to have this matter pushed up to Superior Court under the HCHVP Act.

Legal Letter Template

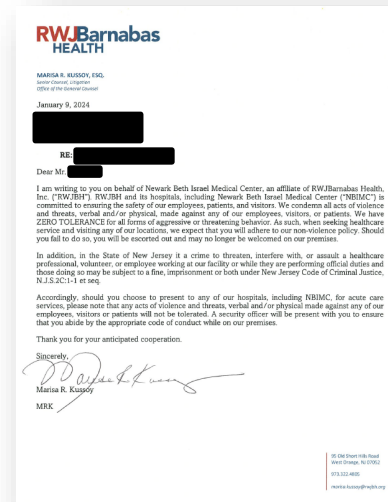
Dear _____,

I am writing to you on behalf of _____, an affiliate of RWJBarnabas Health. RWJBarnabas Health and its hospitals, including _____ is committed to ensuring the safety of our employees, patients, and visitors. We condemn all acts of violence and threats, verbal and/or physical, made against any of our employees, visitors, or patients. We have ZERO TOLERANCE for all forms of aggressive or threatening behavior. As such, when seeking health care service and visiting any of our locations, we expect that you adhere to our non-violence policy. Should you fail to do so, you will be escorted out and may no longer be welcomed to our premises.

In addition, in the State of New Jersey it is a crime to threaten, interfere with, or assault a healthcare professional, volunteer, or employee working at our facility or while they are performing official duties and those doing so may be subject to a fine, imprisonment or both under New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.

Accordingly, should you choose to present to any of our hospitals, including _____ for acute care services, please note that any acts of violence and threats, verbal and/or physical made against any of our employees, visitors or patients will not be tolerated. A security officer will be present with you to ensure that you abide by the appropriate code of conduct while on our premises.

Thank you for your anticipated cooperation.



Questions

