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Delaware Closes Loophole in Law to Better Protect Emergency Nurses

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Emergency Nurses Association praises lawmakers for taking action on a growing problem

Des Plaines, Ill. (June 30, 2016) – The [Emergency Nurses Association](#) applauds Delaware for becoming the latest state to better protect emergency nurses from assault. Gov. Jack Markell signed legislation this week to clarify under what circumstances emergency personnel are covered under the law governing assault in the second degree, which is a felony in Delaware.

Previously, for a violent attack to rise to the level of assault in the second degree against an ambulance operator, a rescue squad member, licensed practical nurse, registered nurse, paramedic or licensed medical doctor, the victim must have been rendering emergency care.

The new law now makes it a second-degree assault to attack an ambulance operator, a rescue squad member, licensed practical nurse, registered nurse, paramedic or licensed medical doctor while such person is performing a work-related duty, even if the victim is not specifically rendering emergency care at the time. Furthermore, it expands protection to any person providing emergency care.

“At one Delaware hospital, the number of calls to police to deal with disorderly patients reportedly jumped 300 percent from 2014 to 2015,” said ENA President Kathleen E. Carlson, MSN, RN, CEN, FAEN. “A federal GAO study released in March reported that workers in healthcare facilities experience higher estimated rates of nonfatal workplace violence than workers overall.

“This is an important issue and I want to thank the bill’s sponsor, Rep. Helene Keeley, and Delaware ENA President Kara Streets and Government Affairs Committee Chair Kelly Green-O’Shaughnessy for their efforts in making sure this bill became law.”

The bill had overwhelming support in the Delaware legislature. On May 10, it passed the House on a 36-1 vote. The Senate voted unanimously to approve it on June 14.

In recent months, both Utah and Georgia joined the ranks of states enhancing the criminal penalties for assaulting emergency nurses. More needs to be done, however. A 2014 study published in the [Journal of Emergency Nursing](#) shows an underlying normalization of violence against healthcare professionals in both the healthcare and law enforcement systems,

preventing effective interventions.

State-specific laws related to workplace violence can be found here:

<https://www.ena.org/government/State/Pages/Default.aspx>.

About the Emergency Nurses Association

The Emergency Nurses Association is the premier professional nursing association dedicated to defining the future of emergency nursing through advocacy, education, research, innovation and leadership. Founded in 1970, ENA has proven to be an indispensable resource to the global emergency nursing community. With more than 42,000 members worldwide, ENA advocates for patient safety, develops industry-leading practice standards and guidelines and guides emergency healthcare public policy. ENA members have expertise in triage, patient care, disaster preparedness and all aspects of emergency care. Additional information is available at www.ena.org.

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