

January 23, 2023

To: House Judiciary Committee

From: John F. McMaster, M.D.

Re: HB 2023

Chairman Patton, and distinguished committee members:

First and foremost, I want to thank you for your service to our state and the communities in which we live.

I appreciate this opportunity to address you today in support of this legislation. As a practicing emergency physician within the state of Kansas since 1985, I am again today offering written and verbal testimony in support of this piece of legislation. It is long overdue. Unfortunately, our hospital-based emergency departments are overcrowded as we and my medical colleagues from all specialties attempt to address both the medical and social needs of society. In 2022, a national survey of emergency physicians reported that 85% believe that the rate of violence experienced in Emergency Departments has increased over the past five years. In Kansas, the practice of hospital-based Emergency Medicine has become much more dangerous than when I first started practicing in 1982. It is not uncommon for me to work a shift in any of my hospital-based emergency departments without hearing of or having personal knowledge of a patient or patient's family member intimidating, threatening, assaulting, or causing physical injury to any one of my team members. This includes prehospital providers, nursing personnel, technicians, and physicians. This unchecked behavior continues to escalate within all aspects of our society and communities and the hospital's emergency departments are no exception. Unfortunately, working today in any of our nation's hospital-based emergency

departments has become a much more dangerous vocation than when I first started practicing and has worsened since I first testified before this body on this same issue in 2014. Our emergency health care providers are not unlike many public servants like you and the law enforcement personnel who enter their professions of service to protect the public and prevent harm to the public and community. Unfortunately, the current statutory protections afforded the healthcare providers are not at the same level of protection afforded other public servants. This legislation attempts to rectify that deficiency.

HB 2023 provides increased statutory protections to those health care providers, who in the line of performing their professional duties are physically assaulted or intentionally harmed. Emergency care for our citizens needs to be as safe as boarding an airline for travel or appearing in a judicial courtroom. We owe it to our health care team, the institutions within which we work, and the patients and public that we serve, to protect our ability to practice our vocation without the fear of suffering from assaults or bodily injury.

Real time examples experienced during my career include the following:

1. An orthopedic resident who was physically assaulted when he walked in to evaluate a psychotic patient in the emergency department.
2. An emergency physician while attempting to provide a definitive airway/endotracheally intubate an intoxicated patient was bitten and sustained a partial amputation to a finger.
3. During my career I have personally had my life and physical well-being threatened by patients and patient family members for refusing to provide prescription narcotics.

4. I have experienced countless examples of nurses that I have worked with who have been intentionally spit upon, scratched, bitten, choked, and punched, while trying to care for patients.
5. Just in the last few years a very experienced advanced nurse practitioner who I have been privileged to work alongside with for several decades was assaulted by a patient and sustained a hip fracture while working in my emergency department.
6. It is not uncommon, and I have experienced hospital security personnel that have sustained broken bones while trying to protect the emergency department staff.
7. Even within the past year, one of my fellow emergency physicians was physically assaulted by a patient and the patient's family in the emergency department while trying to render emergency care.

This unchecked behavior continues to escalate within all aspects of our society and communities. Our hospital emergency departments are no exception.

HB 2023 provides increased statutory protections to those health care providers who in the line of performing their professional duties are physically assaulted or harmed. We owe it to our healthcare providers, the institutions within which they work, and the patients and public that we serve, to protect our ability to practice our vocation without the fear of suffering from assaults, physical harm, or bodily injury.

Respectfully submitted,

John F. McMaster, MD

Emergency Medicine

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