



February 16, 2017

Senator Ebke
District #32 State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

RE: LB 243

Senator Ebke and Members of the Judiciary Committee:

LB 243 will change the reporting requirements relating to assaults that occur in state institutions. While the Department of Health and Human Services, Division of Behavioral Health is supportive of ensuring the safety of employees and strengthening reporting and communication related to injuries, I would like to bring the following technical issues to the committee's attention.

By licensure, accreditation and mission, regional center hospitals in Lincoln and Norfolk are serving individuals committed to their care due to mental illness and who are at risk of harm to self or others. A hospital, including regional center hospitals, may not pursue cases against patients who are mentally ill, actively psychotic, or vulnerable.

Our regional center hospitals strictly adhere to hospital accreditation standards including patient and employee safety. Employee orientations, safety trainings, injury report forms, tracking of injury reports, de-escalation procedures, and reporting employee injuries are a few of the processes in place. The Hastings Regional Center is licensed as a Psychiatric Residential Treatment Facility and follows similar standards.

Currently, per policy and procedure, the regional center hospital does not report to the State Patrol when there is minor injury resulting in First Aid Treatment. However, injuries that result in the need for medical treatment are reported to the State Patrol if the patient who was involved is not suffering acute psychiatric symptoms and is able to discern right from wrong. Primarily the State Patrol is requested to investigate cases of blatant, unprovoked assaults, acts of targeting, and cases that result in significant severity of injury requiring emergency room services. The State Patrol requires that a physician(s) provide an assessment on the patient's mental status and then the State Patrol forwards the case to the county attorney. Employees are encouraged to inquire the status of an investigation at any time during this process as well as contacting the county attorney, should the case be forwarded.

The term "assault" requires clarity in definition and varies across institution. The regional center hospitals define assault as "injury occurs as a direct result of a patient's deliberate physical aggression directed at the staff member. Not applicable if the injured staff member is engaged in the application of restraint at the time of injury."

DHHS is in agreement with the intent of the legislation and the emphasis on follow-up to inform a victim regarding the status of charges, or outcome if charges are filed. However there are distinctions in type, licensure, purpose and population served in secure state institutions.

I greatly appreciate the opportunity to share the above technical issues and recommendations and look forward to working with you in continuing our mission of helping people live better lives.

Sincerely,

A handwritten signature in black ink that reads "Sheri Dawson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Sheri Dawson, R.N., Director
Division of Behavioral Health
Nebraska Department of Health and Human Services

cc: Senator Kate Bolz