

LISA REYNOLDS, MD
STATE REPRESENTATIVE
District 36



HOUSE OF REPRESENTATIVES

Tuesday, March 1st, 2022

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building, H271
Salem, OR 97301

RE: Vote Explanation on HB 4142A

Dear Chief Clerk Sekerak,

I wish to submit the following explanation for my very hesitant yes vote on House Bill 4142A.

As a physician, a legislator, and a human, this was a very difficult vote. While the intent of HB 4142A is one I support - protecting healthcare workers from assault - I do not believe HB 4142A necessarily achieves this. I do not believe that increasing the penalty from misdemeanor to felony will prove to be an effective deterrent for a person in rage or in crisis.

Furthermore, we have seen that hospital security and law enforcement are more readily summoned when the “perpetrator” (a patient, a family member, a visitor) is Black. A Seattle Children’s Hospital survey revealed that security was called on Black people 14.7% of the time, even when Black people made up just 6.4% of the patient population.¹

Also, I am not interested in “minting” new felons when we have a justice system that is problematic at best, and racist at worst. The Class C felony charge carries up to 5 years in prison. If “misdemeanors” are not being adequately addressed by law enforcement or our judicial system, then more work on the system is needed instead of replacing a misdemeanor charge with a felony charge.

As a concerned sister to my severely mentally ill brother, Pat, I’ve been assured that he would “never” be caught up in this felony charge. By removing “recklessly” from the list of motivations, by explaining Pat would not be deemed “culpable” if he strikes healthcare workers, patients, or law enforcement (as he has in the past), I’ve been told he would “never be charged with a felony.” However, I know this bill could increase the risk that a patient who is mentally ill could indeed face felony charges. And, I know a felony charge leads to incarceration or difficulty in placing a person in the programs people like Pat need, leading to houselessness.

I do realize that many people who strike at healthcare providers are at their very worst moments. They could be in florid psychosis, or they could be experiencing extreme pain, or they are terrified for themselves or for their sick child or parent or spouse. Do we really want to saddle this suffering human with a felony? I think this bill could likely result in that.

Let me leave with this note - I do not believe this bill will truly protect our healthcare workers from harm. Here's what I *do* think would help. Increased staffing is in order, as well as true de-escalation training for staff to help manage people in crisis. My understanding is that Seattle Children's Hospital is looking at implementing such changes.

I will be voting yes on this bill as a nod to the "core respect" requested by my colleagues and Oregon's Emergency Room (ER) professionals. Our ER doctors, nurses, and staff have experienced unprecedented challenges these past two years: being on the frontline of the COVID pandemic, creating ICUs in their emergency departments for COVID patients in already overburdened hospitals, and experiencing hostility from patients who deny the science of the pandemic. They are asking for this bill and I am voting yes in a chamber where this bill has the votes to pass. I'm not particularly proud of this vote.

I would encourage the involved parties to more fully consider this concept, convene a workgroup to closely study this bill's consequences (if it is enacted), and evaluate how we can truly protect the safety of our healthcare workers while also preventing further criminalization of those in crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Reynolds", with a stylized flourish at the end.

Representative Lisa Reynolds, MD

¹ Fields, A. (2021, April 21). *Seattle Children's knew for years security was called disproportionately on Black Patients*. The Seattle Times. Retrieved May 23, 2022, from <http://www.seattletimes.com/seattle-news/times-watchdog/seattle-childrens-knew-for-years-security-called-more-often-on-black-patients/>