



February 28, 2018

Dear Senators:

Disability Rights Nebraska, the designated Protection and Advocacy organization for Nebraskans with disabilities, is opposed to LB 913.

While we agree that the protection of healthcare professionals is important and these individuals play a vital role in saving lives or aiding in recovery. However, we do not agree that extending criminal assault by bodily fluid to include healthcare professionals is the solution.

The ideal way to ensure full protection of healthcare professionals would be to institute mechanisms to prevent such an assault in the first place. We are not convinced that extending assault by bodily fluids to healthcare professionals would be such a deterrent. We contend that in the usual conduct of receiving care, most people would not engage in bodily fluid assault, except by those who are in a crisis state; this is especially heightened for people with psychiatric disabilities who are experiencing a crisis episode or people who are intoxicated.<sup>1</sup> In these conditions, we are not convinced that LB 913 would be prophylactic. Physical assault on healthcare professionals and existing public safety officers is already criminalized yet assaults still occur.

Secondly, we are concerned about the slippery slope that LB 913 presents. Healthcare professionals are not public safety officers and a clear distinction must be maintained. A doctor is a doctor, and a police officer is a police officer. They have differing responsibilities, duties, and expectations and face wildly different situations when interacting with the public. Blurring the definition of public safety officer by including doctors or nurses, and determining who should be included as a public safety officer based on the potential risk of injury or assault by bodily fluid, is a problematic precedent. For cab drivers, convenience store clerks, and many other professions that interact with

---

<sup>1</sup> "Nurses reported being grabbed, hit, spit on and bitten, often by patients who were under the influence of alcohol or drugs, or who needed psychiatric care, according to a [2009 Emergency Nurses Association report](http://www.emergencynurses.org/reports) looking at what occurred in more than 700 hospital attacks." *Modern Healthcare*, February 14, 2014, available at <http://www.modernhealthcare.com/article/20140214/NEWS/302149971>

the public are at risk of being spit on; under the rationale for LB 913, should not these individuals be included as a public safety officer as well?

LB 913 would punish people with psychological disabilities for the manifestation of their disabling conditions/symptoms, especially those in crisis and where their self-control faculties may be compromised by such a crisis state.

We recommend that LB 913 not be advanced.

Please do not hesitate to contact me if you have any further questions: [brad@drne.org](mailto:brad@drne.org) or 402-474-3183.

Sincerely,

Brad Meurrens

Public Policy Director

Disability Rights Nebraska