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SENATE JOINT MEMORIAL 5

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Gerald Ortiz y Pino

A JOINT MEMORIAL

REQUESTING THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING  
COLLABORATIVE TO CONVENE A WORK GROUP TO STUDY WORKPLACE  
VIOLENCE AGAINST HEALTH CARE WORKERS AND PENALTIES AND  
TREATMENT-FOCUSED OPTIONS TO ADDRESS THAT VIOLENCE.

WHEREAS, according to the federal occupational safety and  
health administration, health care workers are at increased  
risk for harm from workplace violence, with incidence of  
serious workplace violence four times higher in health care  
settings than in other industries; and

WHEREAS, in 2006, the legislature made certain forms of  
assault and battery against health care workers felony  
offenses; and

WHEREAS, advocates for individuals with intellectual and  
developmental disabilities or mental illness have raised

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1 concerns about the impact of the penalties on this population;  
2 and

3 WHEREAS, individuals with intellectual and developmental  
4 disabilities or mental illness charged with this offense can  
5 face extended periods of incarceration before trial when the  
6 issue of determining competency is raised and, if convicted,  
7 more time behind bars; and

8 WHEREAS, while incarcerated, individuals with intellectual  
9 and developmental disabilities or mental illness have limited  
10 treatment options; and

11 WHEREAS, a felony record is an impediment to future  
12 employment and other opportunities;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
14 STATE OF NEW MEXICO that the interagency behavioral health  
15 purchasing collaborative be requested to convene a work group  
16 to study issues pertaining to violence against health care  
17 workers in the workplace, including:

18 A. the incidence of violence against health care  
19 workers in the workplace;

20 B. the effectiveness of state laws penalizing  
21 battery against health care workers in deterring workplace  
22 violence against health care workers;

23 C. data on the extent to which individuals with  
24 intellectual and developmental disabilities or mental illness  
25 have been charged pursuant to this law; and

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1           D. options for treatment-focused alternatives to  
2 the current statute for protection of health care workers from  
3 workplace violence; and

4           BE IT FURTHER RESOLVED that the work group be composed of  
5 representatives from New Mexico counties; the New Mexico  
6 municipal league; the department of health; the human services  
7 department; the aging and long-term services department; the  
8 children, youth and families department; the training and  
9 recruiting division of the department of public safety; the  
10 corrections department; the administrative office of the  
11 courts; the public defender department; the administrative  
12 office of the district attorneys; the Bernalillo county  
13 forensic intervention consortium; the New Mexico hospital  
14 association; the New Mexico nurses association; the New Mexico  
15 medical society; disability rights New Mexico; the national  
16 alliance on mental illness New Mexico; and the department of  
17 psychiatry and behavioral sciences at the university of New  
18 Mexico health sciences center; and

19           BE IT FURTHER RESOLVED that the interagency behavioral  
20 health purchasing collaborative be requested to report its  
21 findings and any recommendations for legislative action to the  
22 appropriate interim legislative committee by November 1, 2020;  
23 and

24           BE IT FURTHER RESOLVED that copies of this memorial be  
25 transmitted to the chair and co-chair of the interagency

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1 behavioral health purchasing collaborative and the co-chairs of  
2 the New Mexico legislative council.

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