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SENATE MEMORIAL 69

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

INTRODUCED BY

Gerald Ortiz y Pino

A 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 SENATE 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 academy of physician assistants; the New Mexico medical
16 society; disability rights New Mexico; the national alliance on
17 mental illness New Mexico; and the department of psychiatry and
18 behavioral sciences at the university of New Mexico health
19 sciences center; and

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

25 BE IT FURTHER RESOLVED that copies of this memorial be

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

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