

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN SUPPORT**

**ON SENATE CODES  
COMMITTEE AGENDA**

**S.8055 (Funke)**

**IN ASSEMBLY CODES  
COMMITTEE**

**A.10225 (Joyner)**

AN ACT to amend the penal law, in relation to the assault of physicians providing direct patient care

This bill would amend section 120.05 of the Penal Law to include assaults on physicians as an ‘assault in the second degree’, a class D felony charge in the state of New York. **The Medical Society of the State of New York strongly supports this legislation.**

Physicians and other health care employees are exposed on a daily basis to the potential of assault or other violent situations in the course of their duties. Assaults on the job are one of the most frequent causes of serious injuries in health care. While current statute affords protections and increased penalties for assaults on nurses, EMTs, emergency department medical personnel, firefighters, police officers, school crossing guards, sanitation workers and other employees providing direct patient care, physicians are currently not afforded the same safeguards.

Physicians face the same potentially dangerous conditions that nurses and other health care professionals face and deserve to be granted the same protections under law. According to the Bureau of Labor Statistics, 74% of all non-fatal assaults that happen within the work place involve health care workers. Additionally the Occupational Safety and Health Administration found that, “From 2002 to 2013, the rate of serious workplace violence incidents (those requiring days off for an injured worker to recuperate) was more than four times greater in healthcare than in private industry on average. Further, healthcare accounts for nearly as many serious violent injuries as all other industries combined.” These startling statistics indicate a need for legislative action and providing a safe and secure work environment for physicians should be a top priority.

**Based on the foregoing, the Medical Society of the State of New York supports this legislation and urges its enactment.**

**Respectfully submitted,**

5-15-18  
JB

**MSSNY DIVISION OF GOVERNMENTAL AFFAIRS**