

1 **ARTICLE 27 - LAW ENFORCEMENT INTERACTIONS & PATIENT RIGHTS**

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3 **A. Law & Policy.**

4 The Employer will follow all federal, state, and local laws related to Law

5 Enforcement (LE) access to Employer facilities and patient information, including

6 the Healthcare without Fear Act.

- 7 1. The Employer shall adhere to adopted policies and procedures governing LE
- 8 presence and access.
- 9 2. Nurses shall not be responsible for determining the legal validity or scope of
- 10 warrants, subpoenas, or other law enforcement requests for access or
- 11 information.

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13 **B. LE Presence at the Hospital.**

- 14 1. When law enforcement arrives at the hospital, Legacy Administration and
- 15 Legacy Security shall be immediately notified. Nurses will notify Legacy
- 16 Administration and Security if LE attempts to access non-public areas.
- 17 Nurses may direct LE officers to public waiting areas while they wait for
- 18 Legacy Security to respond.
- 19 2. LE shall be accompanied by Security when inside the hospital, including in
- 20 public areas.
- 21 3. If access by LE to non-public areas is required, it must first be approved in
- 22 accordance with Legacy policy. They shall not be allowed to wander on a unit
- 23 or through the hospital.

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25 **C. Patient Care and Privacy.**

- 26 1. In circumstances where LE is authorized to be present in a non-public or
- 27 patient care area, Nurses may request LE to step away for privacy and
- 28 patient care. Nurses are encouraged to confer with patients about their
- 29 comfort or willingness to answer certain questions in front of LE.

2. If LE refuses a request to step away or otherwise interferes with patient care, the Nurse may immediately escalate the matter to Legacy Security. Legacy Security shall notify the House Supervisor or AOC as necessary to address the concern and shall obtain legal guidance when appropriate.
3. The Employer shall support Nurses in exercising clinical judgment within their scope of practice and consistent with the Oregon Nurse Practice Act and ANA Code of Ethics to protect the privacy, dignity, rights, health, and safety of patients.
4. If a LE official attempts to remove a patient against medical advice, the most senior person of the patient's care team should notify the LE official of the need for continued medical care and any obligations the Employer may have under EMTALA to continue medical care. Legacy Security and the House Supervisor or AOC will be contacted to support any need for continued medical care.

D. Information Disclosure.

1. Nurses shall not be required to disclose patient, employee, citizenship, immigration, or other confidential information directly to law enforcement. Upon such a request from LE, Nurses may refer the request to the Charge Nurse who will escalate the request to Legal and Compliance in accordance with Legacy policy. Where an Employer representative has approved providing patient information to law enforcement, authorization will be clearly reflected in the patient's medical record.

E. Employee Rights and Non-Retaliation.

No Nurse shall be disciplined, retaliated against, or suffer an adverse employment action for:

- (1) raising a good-faith concern regarding patient privacy, patient safety, law-enforcement conduct, or interference with care;
- (2) reporting or documenting a law-enforcement-related incident through a

1 Legacy reporting system;
2 (3) exercising professional judgment or advocacy concerning a patient's privacy,
3 dignity, safety, or care;
4 (4) declining to provide law enforcement access or information that the Nurse is
5 not authorized or required to provide; or
6 (5) providing patients or families informational or educational materials
7 concerning immigration rights or legal services as protected by Oregon law.

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9 **F. Union Notification**

10 1. Upon request, the Employer shall provide ONA with information regarding
11 reported incidents involving law enforcement that materially interfere with
12 Nurses' work, patient care, or patient privacy, subject to applicable
13 confidentiality requirements. The Employer will provide Nurses with the
14 applicable law-enforcement policies and reporting procedures and will notify
15 ONA of material changes to those policies before implementation, consistent
16 with its bargaining obligations.