



ADDRESSING ASSAULT OF HEALTHCARE WORKERS WITH BODILY FLUIDS

Policy Position | 2026-2027 Policy Council

INTRODUCTION

In the 88th Legislative Session, the Texas Legislature passed SB 840 to increase the penalty of assaulting a healthcare worker in hospital from a misdemeanor to a felony.

Since the passage of SB 840, TNA has worked with health care facilities and law enforcement to build awareness of changes in state law and deter workplace violence against healthcare workers. In the course of this work, law enforcement representatives informed TNA that SB 840 did not enhance penalties for assault with bodily fluids. Healthcare workers are frequently subjected to this form of assault.

A 2021 survey by the ANA revealed that over 30% of nurses had experience of workplace violence that included body fluids. Similarly, TNA members regularly report working in acute care settings and being subjected to saliva, and other bodily fluids as they provide patient care during stressful situations.

This not only puts the nurses at risk for exposure to infectious diseases, but it also significantly impacts their psychological and emotional wellbeing. At a time when Texas is experiencing a high nurse turnover, these negative experiences further compound the problem.

IMPACTS OF ASSAULT WITH BODILY FLUIDS

Exposures to these fluids can transmit infectious diseases such as Hepatitis B and C and HIV. There is a high risk that these individuals may be subjected to extensive medical testing, treatments, and may suffer emotional distress. The post-exposure prophylaxis, medication used to prevent disease after exposure, also presents risk of harm to the affected healthcare worker as the medication can cause side effects including liver damage. For pregnant healthcare workers,

there are possible risks to the unborn fetus when taking these medications to prevent transmission.

When healthcare workers are subjected to assaults it may lead to increased absenteeism, burnout, a decline in workplace morale, and attrition.

In the 89th Regular Session, the Texas Legislature introduced SB 2792 to align the penalties for assault with bodily fluids in hospital settings to the increased penalty for other forms of assault. In a busy session with numerous competing priorities, the bill did not receive a hearing.

POLICY RECOMMENDATIONS

Reintroduce SB 2792 in the 90th Regular Session to increase the penalty for assault of a healthcare worker with bodily fluids to felony classification to reflect the gravity of the crime.

References

American Nurses Association. (2021). *Workplace Violence and Incivility in Healthcare*.

Centers for Disease Control and Prevention (CDC). (n.d.). *Healthcare Worker Safety*.