

# IMPulse

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**The Idaho Statesman**

Boise, Idaho

**Friday, March 09, 2018**

**Audrey Dutton**

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## Bill to protect mentally ill in health worker attacks dies in House committee

Idaho lawmakers will not consider a bill that aimed to stop the unintended consequence of a 2014 law – one intended to protect health care workers from abuse by patients, but which has been used to criminalize symptoms of mental illness.

That law meant to protect nurses, doctors and other health care employees made battery of health care workers a felony instead of a misdemeanor. The 2014 law’s proponents said it wouldn’t be used against patients who had lost touch with reality.

But a Statesman investigation found prosecutors are using it that way. In about 40 percent of cases reviewed by the Statesman, mental illness was a factor. That included patients in the middle of psychiatric hospitalization, who’d arrived at the hospital in a psychotic state and whose illnesses were so severe their court case had to be put on hold while they spent time in a state psychiatric hospital.

Rep. Christy Perry, R-Nampa and a candidate this year for Congress, introduced a bill this session to carve out a limited exemption from the law for patients whose behavior resulted from mental illness. At least one other state has carved out such an exemption.

Perry made some changes to the legislation in response to concerns about its scope, but the reintroduced bill was not granted a hearing in the House Judiciary and Rules Committee this week.

“Unfortunately, due to the session deadlines, [the bill] was not far enough along in the process to meet deadlines,” said Committee Chairman Rep. Lynn Luker, R-Boise. “I do understand the issue, and I am sympathetic to it. In fact, I voted against the [2014 bill] making this offense a felony.

“The potential for this problem was clearly discussed in the committee in 2014 by those opposed to the bill. Time has shown those concerns raised in 2014 have unfortunately come to pass.”

Perry is disappointed the bill did not get a hearing but has a “glimmer of hope that I will be able to put together an informational hearing later, still in this session,” she said. Then, the committee could work on the bill “and next year be able to get that handled right off the bat,” she said.

Perry added that, when talking with health care workers, she was surprised to hear one common refrain: When battery was just a misdemeanor, patients who deliberately hurt health care workers often weren’t arrested or charged at all.

Blake Scovill, who has several mental health diagnoses, is one of the patients who hoped to see the law changed.

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Scovill's father took him to an Idaho Falls emergency room during a mental health crisis. He became erratic, angry and tried to flee, at which point two security guards in police uniforms tackled him. Scovill was charged with felony battery of a health care worker.

Scovill voiced his frustration recently in a "Mental Health in Idaho" Facebook group run by the Statesman. He gave the Statesman permission to quote his post:

"My question is where is a safe place for a person experiencing a mental health crisis [to] go and feel safe themselves?" he said. "I'm currently fighting a felony battery against a health care worker charge I received while seeking treatment for my illness. Where do we go if hospitals will ultimately create more problems? The scary thing is it can happen to anybody."

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