

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

Senate Committee on Judiciary and Government Operations

SB 0930, Relating to Volunteer Medical Assistance Services

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 26, 2009, 9:00 a.m.

1 **Department's Position:** The Department of Health strongly supports this Administration sponsored
2 measure.

3 **Fiscal Implications:** No impact.

4 **Purpose and Justification:** This measure would provide immunity from liability and coverage of
5 medical expenses for licensed medical personnel providing volunteer services in non-emergency
6 situations, such as school-based immunization clinics, on behalf of the State or a county. Volunteer
7 workers who hold medical licenses and who are performing volunteer activities within the scope of their
8 license are indemnified under Hawaii law when responding to an emergency, but are not protected from
9 liability if they are volunteering for the State for a non-emergency activity, even if this activity serves as
10 training for future emergency response. Lack of coverage for professional liability may mean that these
11 valuable workers will not participate as state volunteers, thereby limiting the ability of the State to draw
12 upon their skills as a critical public health resource. The coverage of medical expenses under this bill
13 does not represent an expansion of benefits as it is identical to that offered to State and county
14 volunteers under existing law.

15 Thank you for the opportunity to testify.

February 25, 2009

Committee: Committee on Judiciary and Government Operations
Hearing Date/Time: Thursday, February 26, 2009, 9:00 a.m.
Place: State Capitol, Conference Room 016
Re: *Testimony of Sheryl L. Nicholson in Support of S.B. 604, S.D.1, Relating to Emergency Contraceptives for Sexual Assault Survivors*

Dear Chair Taniguchi and Members of the Committee on Judiciary and Government Operations:

As a member of the ACLU of Hawaii Legislative Committee, I write in support of S.B. 604, S.D. 1, which seeks to require hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested.

As a member of the ACLU of Hawaii Legislative Committee, I write in support of H.B. 423, which seeks to require hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested.

Hawaii should not turn its back on sexual assault survivors and require them to face, in addition to the multiple and complex emotional and physical consequences of a sexual assault, the added burden of a possible pregnancy. The denial of immediate access to information on contraception and emergency contraceptives themselves can have severe and lasting consequences for women who neither intended nor desired at the time to conceive, much less under those circumstances.

According to the most recent Crime in Hawaii report, there were 377 forcible rapes reported to law enforcement in Hawaii in 2007.¹ While Hawaii's overall crime rate was down, the rate of forced rapes increased by 3.9%.² Many of these victims required emergency medical care at one of Hawaii's emergency rooms. Tragically, according to a 2002 survey conducted by Healthy Mothers, Healthy Babies, only 2 out of Hawaii's 20 emergency rooms provide emergency contraceptive access to sexual assault victims.

I understand that providing emergency contraceptive services is an accepted standard of care; that the American Medical Association's Guidelines for treating sexual assault victims states that victims should be informed about and provided emergency contraceptives, and that the American College of Obstetrics and Gynecology also supports this standard of care. Emergency contraceptives are not the "abortion" pill and do not cause abortions.

Thank you for this opportunity to testify and for your attention to this matter. We hope that you will do your utmost to improve the quality of care for survivors of sexual assault in Hawaii.

Respectfully submitted,

Sheryl L. Nicholson, Esq.
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¹ *Crime in Hawaii*, Hawaii Attorney General's Office, 2007

² *Id.*



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Judiciary and Government Operations

February 26, 2009 at 9:00 am

By

Virginia S. Hinshaw, Chancellor
and

Jerris Hedges, M.D., M.S. MMM
Dean and Professor

John A. Burns School of Medicine
Barry & Virginia Weinman Endowed Chair
University of Hawai'i at Mānoa

SB 930 RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES

Thank you Chair Taniguchi, Vice Chair Takamine, and members of the Senate Committee on Judiciary and Government Operations, for the opportunity to testify today.

The University of Hawai'i at Mānoa supports the intent of Senate Bill 930, which provides protections to healthcare workers volunteering emergency services that are consistent with Good Samaritan practices elsewhere, provided it does not adversely affect our UH priorities as set in our budget request, most notably in health and safety and repairs and maintenance issues. Addressing these urgent needs is critical to our ability to perform our core mission for the State of Hawai'i.

We recognize that you have many priorities and issues to weigh for the state, so the following substantive information on this program is provided to assist you in your decision-making process.

We believe SB 930 will protect those healthcare workers who come to the aid of their community in times of crises anywhere in Hawai'i.

SB 930 will also protect those healthcare workers who volunteer to help the Hawai'i State Department of Health with important vaccination efforts.

The bill also strikes a balance with patient's rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct.

We appreciate all interest in the University, and want to emphasize that we will be able to perform better in all arenas and best serve the state with support of the current campus priorities approved by the Board of Regents.

Thank you for the opportunity to testify on this matter.