

TESTIMONY

HB1926, HD1

**HTH
Committee Hearing
03-16-2012**

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
Senate Committee on Health
The Honorable Josh Green, M.D., Chair
The Honorable Clarence K. Nishihara, Vice Chair

March 16, 2012
1:30 pm
Conference Room 229

Re: HB 1926 HD1 Relating to Assaults Against Medical Services Providers

Chair, Vice Chair, and committee members thank you for this opportunity to provide testimony on this bill relating to violence against medical personnel.

Kaiser Permanente Hawaii supports this bill, but would like to offer amendments.

Violence against healthcare personnel appears to be on the rise. According to a U.S. Department of Labor, Bureau of Statistics, healthcare workers experience violent assaults at a rate four times higher than the national average. This type of violence, ranging from verbal to violent physical attacks, is becoming all too common, which negatively impacts medical personnel by reinforcing a common misconception that this type of violence is just part of the job.

Kaiser Permanente supports this bill to protect medical providers from unnecessary violence in the workplace, but asks that the scope of protection be expanded to also include unlicensed professionals, i.e. health care assistants, medical interns/externs, who are often on the front lines providing necessary medical care and therefore, vulnerable to the same workplace violence. Therefore, we ask that the definition of “medical services provider” in paragraph (1)(f), Page 3, line 2, be amended to also include “or other licensed or unlicensed medical professional involved in the direct care of patients.”

Additionally, it is well recognized that as the baby boomer generation ages, the demand for home care services is expected to increase by 50 percent between 2002 and 2012 according to the Bureau of Labor Statistics. Therefore, given the increasing demand for home health residential services, we ask that the definition of “medical services provider” in paragraph (1)(f), Page 3, line 2, be amended to also include “home health residential” as a type of facility afforded protection under this bill.

Finally, as a technical amendment, we ask that the reference to "emergency room" of a hospital on Page 2, line 21, be deleted.

Thank you for your consideration.



SENATE COMMITTEE ON HEALTH
Senator Josh Green, M.D., Chair

Conference Room 229
March 16, 2012 at 1:30 p.m.

Supporting HB 1926 HD 1 with amendments

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, as well as long term care facilities, home care agencies, and hospices. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 40,000 people. Thank you for this opportunity to testify in support of HB 1926 HD 1, which extends the enhanced penalties for violence against certain emergency medical services staff to others.

Health care workers have faced a significant risk of job-related violence for many years. Injury rates reveal the increased risk. The Bureau of Labor Statistics measures the number of assaults resulting in injury per 10,000 full-time workers in different categories. The overall private sector incidence rate is 2. The rate for health service workers overall is 9.3. The rate for nursing and personal care workers is 25.

Hawaii statute recognizes that certain groups deserve increased legal protection, such as educational workers, correctional workers, firefighters, and workers at State mental health facilities. Conduct classified as Assault in the Third Degree for others is classified as Assault in the Second Degree for these groups. Emergency medical service personnel in hospitals are also currently given increased protection. This bill is intended to extend the added protection to medical services staff in hospitals, medical clinics, and federally qualified health centers.

However, the text of the bill is unclear. The committee report submitted by the Committee on Health on the HD 1 version of HB 1926 describes the amendment as applying to medical services staff of long-term care facilities and specialized nursing facilities. However, the text of the bill may be interpreted to limit its application to those who work in emergency rooms of various types of facilities (page 2, line 20 to page 3, line 2). The bill should be amended to clarify that the increased protection applies to all medical services staff of hospitals, medical clinics, federally-qualified health centers, long-term care facilities, and specialized nursing facilities.

In addition, the Healthcare Association of Hawaii supports a further amendment so that the increased protection applies to medical services staff of home health agencies, home care agencies, hospices, physician offices, and dentist offices.

With these amendments, the Healthcare Association of Hawaii supports HB 1926 HD 1.

TESTIFIER:

GEORGE GREENE
President / CEO



American Organization of Nurse Executives, Hawai'i Chapter

March 16, 2012 1:30 p.m.
Conference Room 229

RE: Testimony in SUPPORT OF HB 1926 HD1, Relating to Assault Against Medical Services Providers

Chair Green, Vice- Chair Nishihara and members of the Committee. On behalf of the Hawai'i Chapter, American Organization of Nurse Executives ("AONE"), thank you for the opportunity to submit testimony in **support** of HB 1926 HD1, relating to assaults against medical services providers.

This measure would extend the offense of assault in the second degree to include harm upon medical professionals. The bill expands protections to professionals from several medical fields engaged in the performance of duty within various medical facilities, rather than limiting enhanced protection to emergency medical services providers only. We believe the measure is an important step toward enhancing protections for professionals who deliver much needed care and services to the community.

On January 30, 2012, the New York Times reported that the 2011 Health and Safety Survey conducted by the American Nurses Association found 34 up from 25 percent in 2001; of registered nurses ("R.N.") rank "on-the-job assault" as one of their three greatest safety concerns. More than half of all R.N.'s report they were verbally threatened at work.

The National Institute for Occupational Safety and Health ("NIOSH") reports that from 2003 to 2009, eight R.N. nurses were killed at private healthcare facilities by gunshot wounds or fatal injuries. In 2009, 2,050 incidents involving harassment or violent assault were reported by clinical nurses who took an average of 4 days away from work to recover.

During the recent holiday season, a patient attacked a nurse at Queen's Medical Center. These attacks have ramifications for our community. A recent study of nurses nationwide sponsored by the National Institute of Health, revealed that one in three nurses over 45 plans to quit their jobs when the recession ends because of attacks in the medical workplace. Others believe they must just expect violence as part of their job.

Medical providers abide by the Hippocratic Oath to help those in need of medical attention, thus they deserve a high level of legal protection for their service.

AONE Hawai'i is a non-profit professional organization serving more than 100 member Nurse Executives throughout Hawai'i and is an affiliate of AONE National, which has over 7,000 members nationwide. Our mission is to be the principle membership organization that represents and promotes the profession of Nurse Executives in the State of Hawai'i.

Thank you for the opportunity to testify. If we can assist with more information please contact us at (808) 447-1840 or aonehawaii@gmail.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Filleul", written over a horizontal line.

Suzanne Filleul
President AONE Hawai'i



THE QUEEN'S HEALTH SYSTEMS

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Senator Josh Green, Chair
Senator Clarence K. Nishihara, Vice-Chair
SENATE COMMITTEE ON HEALTH

March 16, 2012 – 1:30 p.m.
State Capitol, Conference Room 229

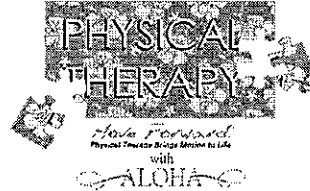
Regarding H.B. 1926, HD1 Relating to Assaults Against Medical Services Providers

Chair Green, Vice-Chair Nishihara, and Members of the Committee:

My name is Cindy Kamikawa, Vice President, Nursing, Trauma, ED and Chief Nursing Officer of The Queen's Medical Center (QMC), testifying in **strong support** for H.B.1926, HD1, which provides critical protections for medical providers from unnecessary violence in the workplace.

Health care workers have faced increase risks of job-related violence in recent years. This measure offers an effective deterrence to violence and therefore a means to better ensure the safety of people whose work is dedicated to helping others on a daily basis.

Thank you for the opportunity to provide testimony in support of this measure.



Senate Health Committee
Friday, March 16, 2012
1:30 p.m.
Room 229

RE: HB 1926, SD1, RELATING TO ASSAULTS AGAINST MEDICAL SERVICES PROVIDERS

Good morning, Chair Green, Vice- Chair Nishihara and members of the Committee. On behalf of the Hawaii Chapter, American Physical Therapy Association ("HAPTA"), we are in **support** of HB 1926, SD1, relating to assaults again medical services providers.

This measure would expand the offense of assault in the second degree to include harm to any medical services providers engaged in the performance of duty, rather than limit it to just emergency medical services providers. We believe that the measure is an important step toward protecting the professionals who are delivering much needed care and services in the community.

HAPTA is a non-profit professional organization serving more than 200 member Physical Therapists and Physical Therapist Assistants. Our mission is to be the principal membership organization that represents and promotes the profession of Physical Therapy in the State of Hawaii.

Mahalo,

Ann Frost, P.T.
Legislative Committee Chair

Green4 - Mailene

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 1:44 PM
To: HTHTestimony
Cc: toddhairgrove@hotmail.com
Subject: Testimony for HB1926 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB1926

Conference room: 229
Testifier position: Support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
E-mail: toddhairgrove@hotmail.com
Submitted on: 3/13/2012

Comments:
Pass Bill