

Testimony of  
John M. Kirimitsu  
Legal and Government Relations Consultant

Before:  
House Committee on Health  
The Honorable Ryan I. Yamane, Chair  
The Honorable Dee Morikawa, Vice Chair

January 24, 2012  
10:00 am  
Conference Room 329

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

Chair Yamane 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 comments.**

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, who are often on the front lines providing medical care and therefore, vulnerable to the same workplace violence. These assistive personnel and support workers are also considered a vital part of health care teams, and should be afforded the same protections as other medical professionals.

Additionally, it is widely 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 this ever growing demand for home health services, it naturally follows that "home health" should also be included as a type of facility afforded protection under this bill.

Thank you for your consideration.



HOUSE COMMITTEE ON HEALTH  
Rep. Ryan Yamane, Chair

Conference Room 329  
January 24, 2012 at 10:00 a.m.

**Supporting HB 1926**

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 their efforts to provide quality care to all of Hawaii's residents, our members employ over 40,000 people. Thank you for this opportunity to testify in support of HB 1926, which increases penalties for violence against medical services providers.

Health care workers have faced a significant risk of job-related violence for many years. The rate of assaults and violent acts against health care workers is more than 10 times the average rate. Studies show that between 35% and 80% of hospital staff have been physically assaulted at least once and that nurses are at increased risk of violence while on duty.

The increased risk of job-related assaults among health care workers is the result of a number of factors, including the following:

- The prevalence of handguns and other weapons among patients, their families or friends;
- The availability of drugs or money at hospitals, clinics and pharmacies, making them likely robbery targets;
- Factors such as the unrestricted movement of the public in clinics and hospitals and long waits in emergency or clinic areas that lead to client frustration over an inability to obtain services promptly; and
- Isolated work with clients during examinations or treatment.

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 Second Degree for these groups are classified as Assault in the Third Degree for others. Emergency medical service personnel are also currently given increased protection, and this increased protection should be extended to health care workers in hospitals, health centers, and clinics.

Thank you for this opportunity to testify in support of HB 1926.



**House Health Committee  
Tuesday, January 24, 2012  
10:00 a.m.  
Room 329**

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

Good morning, Chair Yamane, Vice- Chair Morikawa and members of the Committee. On behalf of the Hawaii Chapter, American Physical Therapy Association ("HAPTA"), we are in **support** of HB 1926, 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.

We respectfully request that physical therapists and physical therapist assistants be added to the definition of medical services provider in section 1 (f) of the bill.

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



American Organization of Nurse Executives, Hawai`i Chapter

January 24, 2012 10:00 a.m.  
Conference Room 329

**RE: Testimony in SUPPORT OF HB 1926,**

Good morning, Chair Yamane, Vice- Chair Morikawa and members of the Committee. On behalf of the Hawaii Chapter, American Organization of Nurse Executives ("AONE"), thank you for the opportunity to submit testimony in **support** of HB 1926, 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.

According to the National Institute of Occupational Safety and Health, more than 9,000 nurses and healthcare workers are injured or verbally or physically attacked each day on the job. In a recent seven-state study carried out by a Task Force on Workplace Violence, over 30 percent of registered nurses surveyed said they had been assaulted on the job, mostly by patients. This study included nurses in Hawaii who reported suffering attacks with everything from scissors, chairs, urinals, knives and guns.

Incidents of assault are likely more frequent because many attacks go unreported due to concerns about costs related to insurance, worker's compensation, and hospital public relations.

Although assaults against physicians are rising, R.N.s experience the highest rate of attacks. A four-year Bureau of Justice Statistics study showed that between 2002 and 2010, 69,500 nurses were assaulted, compared with 10,000 physicians. The Bureau also expressed concern that legal penalties in many states are not severe enough to deter attacks against nurses.

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 Institutes of Health, revealed that one in three nurses over 45 plan 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 Hawaii is a non-profit professional organization serving more than 100 member Nurse Executives throughout Hawaii 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 Hawaii.

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](mailto:aonehawaii@gmail.com).

Sincerely,

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

Suzanne Filleul  
President AONE Hawaii

## **morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 22, 2012 7:15 PM  
**To:** HLTtestimony  
**Cc:** wailua@aya.yale.edu  
**Subject:** Testimony for HB1926 on 1/24/2012 10:00:00 AM

Testimony for HLT 1/24/2012 10:00:00 AM HB1926

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Wailua Brandman APRN-Rx BC FAANP  
Organization: Hawaii Association of Professional Nurses (HAPN)  
E-mail: [wailua@aya.yale.edu](mailto:wailua@aya.yale.edu)  
Submitted on: 1/22/2012

**Comments:**

HB 1926 Relating to Assaults Against Medical Services Providers

Chair Yamane, Vice Chair Morikawa, and members of the House Committee on Health,

Thank you for this opportunity to provide testimony on this bill, HB 1926.

HAPN supports these improvements to the statute, however, we note that assaults are frequently carried out on hospital staff working in areas other than in emergency rooms, for example in inpatient psychiatric units and other inpatient areas, none of which are listed in this bill.

We also note that nurse practitioners (NPs) and certified registered nurse anesthetists (CRNAs) are mentioned in the bill while clinical nurse specialists (CNSs) and certified nurse midwives (CNMs) are not. In Hawai'i, all advance practice nurses are licensed as APRNs, not NPs or CNSs or CNMs or CRNAs. With all due respect, HAPN suggests that the language be inclusive of all APRNs, and that ANY medical service providers be protected from assault by patients regardless of their service location.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.

Wailua Brandman APRN-Rx BC FAANP  
Hawai'i Association of Professional Nurses Immediate Past President and Legislative Chair

## **morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 22, 2012 7:41 PM  
**To:** HLTtestimony  
**Cc:** belovedofkrsna@me.com  
**Subject:** Testimony for HB1926 on 1/24/2012 10:00:00 AM

Testimony for HLT 1/24/2012 10:00:00 AM HB1926

Conference room: 329  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Elizabeth Bush  
Organization: Individual  
E-mail: [belovedofkrsna@me.com](mailto:belovedofkrsna@me.com)  
Submitted on: 1/22/2012

Comments:  
HB 1926 Relating to Assaults Against Medical Services Providers

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We appreciate your continuing support of nursing and healthcare in Hawai`i. Thank you for the opportunity to testify.

O au me ka ha`a ha`a (I am humbly yours),

Elizabeth Bush, MSN, APRN-Rx, CARN-AP, CSAC, CCDP-D Board Certified Psychiatric Advanced Practice Nurse (NP and CNS) Certified Addiction Registered Nurse, Advanced Practice Certified Substance Abuse Counselor Certified Co-Occurring Disorder Professional-Diplomate

"The best way to find yourself is to lose yourself in the service of others." ~ Mahatma Gandhi

<http://addictionsprofessional.com>

Re: HB 1926 Relating to Assaults Against Medical Services Providers

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We appreciate your continuing support of nursing and healthcare in Hawai`i. Thank you for the opportunity to testify.

Terri Pacheco RN

University of Hawaii at Manoa

APHN/FNP student

## **morikawa2 - Grant**

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**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Monday, January 23, 2012 2:34 PM  
**To:** HLTtestimony  
**Subject:** FW: Support HB 1926: Relating to Assaults Against Medical Services Providers

Jan 23, 2012

Representative Ryan Yamane  
State Capitol, Room 420  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Yamane,

Health care workers have faced a significant risk of job-related violence for many years. The rate of assaults and violent acts against health care workers is more than 10 times the average rate. Studies show that between 35% and 80% of hospital staff have been physically assaulted at least once and that nurses are at increased risk of violence while on duty.

The increased risk of job-related assaults among health care workers is the result of a number of factors, including the following:

The prevalence of handguns and other weapons among patients, their families or friends; The availability of drugs or money at hospitals, clinics and pharmacies, making them likely robbery targets; Factors such as the unrestricted movement of the public in clinics and hospitals and long waits in emergency or clinic areas that lead to client frustration over an inability to obtain services promptly; and Isolated work with clients during examinations or treatment.

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 Second Degree for these groups are classified as Assault in the Third Degree for others. Emergency medical service personnel are also currently given increased protection, and this increased protection should be extended to health care workers in hospitals, health centers, and clinics.

For the foregoing reasons, I support HB 1926.

Thank you.

Sincerely,

Mr. Toby Clairmont  
94-566 Hohaniku St  
Mililani, HI 96789-1732  
(808) 625-9681



## **morikawa2 - Grant**

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**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Monday, January 23, 2012 2:33 PM  
**To:** HLTtestimony  
**Subject:** FW: Support HB 1926: Relating to Assaults Against Medical Services Providers

Jan 23, 2012

Representative Ryan Yamane  
State Capitol, Room 420  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Yamane,

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For the foregoing reasons, I support HB 1926.

Thank you.

Sincerely,

Ms. Bernadette Ledesma  
919 Lehua Ave  
Pearl City, HI 96782-3328  
(808) 687-3201

## **morikawa2 - Grant**

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**Sent:** Monday, January 23, 2012 2:33 PM  
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For the foregoing reasons, I support HB 1926.

Thank you.

Sincerely,

Mrs. Kathryn Raethel  
640 Ulukahiki St  
Kailua, HI 96734-4454  
(808) 263-5142

**morikawa2 - Grant**

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**From:** Danielle Bass on behalf of Rep. Ryan Yamane  
**Sent:** Monday, January 23, 2012 2:39 PM  
**To:** HLTtestimony  
**Subject:** FW: Support HB 1926: Relating to Assaults Against Medical Services Providers

Jan 23, 2012

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State Capitol, Room 420  
415 South Beretania Street  
Honolulu, HI 96813

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For the foregoing reasons, I support HB 1926.

Thank you.

Sincerely,

Ms. Emilie Smith  
680 Iwilei Rd  
Ste 660  
Honolulu, HI 96817-5392