



S.B. 2032, S.D. 2, H.D.1
Relating to Violence Against Health Care Personnel
House Committee on Judiciary
April 1, 2014; 2:00 p.m.

My name is Cindy Kamikawa, Vice President, Nursing, Trauma, ED and Chief Nursing Officer of The Queen's Medical Center (QMC), testifying in **support** of SB 2032, SD2, HD1 which provides critical protections for all medical providers from unnecessary violence in the workplace.

Health care workers have faced increase risks of job-related violence in recent years. At Queens, our staff too often find themselves blocking a kick or a bite. QMC's ER receives the highest numbers across Oahu of transports from law enforcement for emergency examination and hospitalization. Many of these patients are drunk or high. Not only are they more likely to be belligerent and aggressive, it is also extremely challenging to determine if they also suffer a mental illness. While in the ER, many of these patients are found to have medical conditions that necessitate their hospitalization, and are admitted as a patient. Based on need and bed space, some patients are cared for on our general medical floors. Hospitals, like Queens, have needed to respond by adding more staff, to ensure the safety of its staff, other patients, visitors, and the patient. This further drives hospital costs and erodes security.

Serious attacks on hospital caregivers are a reality of healthcare. This measure allows police to charge attackers with felony assault on all health care workers, not just our emergency department staff. This is appropriate because today, all hospital staff are subject to conditions that necessitate these legal protections. This measure is a means to deter violence and to better ensure the safety of hospital staff and patients.

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

Tuesday, April 1, 2014 – 2:00 pm
Conference Room 325

The House Committee on Judiciary

To: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

From: Art Gladstone RN MBA
Chief Nurse Executive – Hawai'i Pacific Health
Chief Executive Officer – Straub Clinic & Hospital

**Re: SB 2032 SD2, HD1 Relating To Violence Against Health Care Personnel
Testimony in Support**

My name is Art Gladstone. I am the Chief Nurse Executive at Hawai'i Pacific Health (HPH) and I am also the Chief Executive Officer at Straub Clinic & Hospital. Hawai'i Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-government employer. It is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawai'i Pacific Health's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

I write in support of SB 2032, SD2, HD1 which expands the definition of medical services provider to include other health care providers who are involved in the direct care of patients. This bill provides the same protection to any medical service provider as current emergency medical service providers receive while performing their duties.

All health care workers today face a significant increase in the number of job related violent incidents while on duty compared to other workers. Statistics show that there has been an increase in the number of nurses that have experienced assaults, and this is of great concern. At our hospitals, our staff has been experiencing an increase in encounters with violent patients. Passage of this bill will help to deter assaults and provide a safer environment for all medical service workers. Therefore, we are in support of SB 2032.

Thank you for the opportunity to provide this testimony. We ask that you pass this measure.



Written Testimony Presented Before the
House Committee on Judiciary
April 1 , 2014 2 p .m.
Conf. Rm. 325
by

Kathy Yokouchi, Policy Analyst
Hawaii State Center for Nursing
University of Hawai'i at Manoa

SB 2023,SD2, HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL

Chair Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support of this bill, SB 2023,SD2, HD1.

This measure would elevate what is now a misdemeanor offense of Assault in the Third Degree to a class "C" felony if the offense is committed against a health care provider.

Further, it amends current language which limits its application only to emergency medical services providers and broadens it to apply to medical services providers. SB 2023, SD2, HD1 will help to discipline those who intentionally or knowingly cause bodily injury to all health care providers in Hawai'i.

Therefore, the Hawaii State Center for Nursing requests passage of this measure. Thank you for the opportunity to testify.



Prime Care Services Hawaii, Incorporated

Written Testimony Presented Before the
Judiciary Committee
Conference Room 325
April 1, 2014, 2:00 pm
by
Beth Hoban, President
Prime Care Services Hawaii

SB 2032,SD2, HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL

Chair Rhoads, Vice Chair Har, and Members of the Judiciary Committee—

Thank you for the opportunity to support SB 2032, SD2, HD1 Relating to Violence Against Health Care Personnel.

Prime Care Services Hawaii is a licensed, Medicare-certified home health agency that provides home healthcare in the patients' homes when they are discharged from the hospital or when a need for skilled care is required in the home. Nurses, Home Health Aides and Therapists make those visits by themselves and are at risk for harm.

SB 2032, SD2, HD1 will help to discipline those who intentionally or knowingly cause bodily injury to all health care providers in Hawai'i, including ours. Further, it amends current language which limits its application only to emergency medical services providers and broadens it to apply to medical services providers, like ours.

Healthcare workers are more than four times more likely to be victims of workplace violence than other private sector workers, and account for approximately 60% of all nonfatal workplace assaults occurring in private employment settings. (Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2007).

Thank you for your support and the opportunity to testify in support of SB 2032,SD2, HD1 relating to violence against healthcare personnel.

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Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
House Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Sharon E. Har, Vice Chair

April 1, 2014
2:00 pm
Conference Room 325

Re: SB 2032, SD1, HD1 - Relating to Violence Against Health Care Personnel

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, as amended.

Kaiser Permanente supports this version of the bill, as amended to also include “unlicensed medical professionals and other medical staff involved in the direct care of patients” within the scope of protection, since these unlicensed professionals are also on the front lines providing necessary medical care and therefore susceptible to the same workplace violence.

It is well recognized that health care workers are victims of 59% of nonfatal workplace assaults in the private sector, and they are victimized in a broad variety of settings. Such violence against healthcare personnel appears to be on the rise. According to a U.S. Department of Labor (Bureau of Labor Statistics) census in 2007, healthcare workers experience violent assaults at a rate four times higher than other workers in the private sector, i.e. healthcare workers are four times more likely to be victims.

By its very nature, medical facilities are a place of high stress for the patient and the medical staff. Medical personnel routinely find themselves at increased risk of violence due to the high volatility of the patient population during this traumatic time in their lives. Unfortunately, many patients choose to handle this stress through demonstrations of violence, ranging from verbal to violent physical attacks, which is becoming all too common.

To help deter these violent and abusive acts against medical personnel, legislation is needed to protect medical staff from unnecessary violence, and afford them a safe haven to perform their job of providing quality care to the patient population.

Thank you for your consideration.



National Association of Social Workers Hawai'i Chapter

March 29, 2014

TO: Representative Karl Rhoads, Chair ~ Senate Committee on Judiciary
Representative Sharon E. Har, Vice Chair
and
Members of the Committee on Judiciary

Date: April 1, 2014 at 2:00 p.m. Location: Conference Room 325

FROM: Marty Oliphant, Executive Director
National Association of Social Workers, Hawaii Chapter

RE: SB 2032, Relating to Violence Against Health Care Personnel - **SUPPORT**

Chair Rhoads, Vice Chair Har, and members of the Committee on Judiciary, my name is Marty Oliphant. I serve as the Executive Director of the National Association of Social Workers, Hawai'i Chapter (NASW). We support SB 2032 Relating to Violence Against Health Care Personnel.

We support the intent of the proposed legislation to amend the offense of Assault in the Second Degree as it applies to medical professionals by expanding the types of medical services providers protected under the offense

I urge your favorable consideration of SB 2032.

SB2032

Submitted on: 3/29/2014

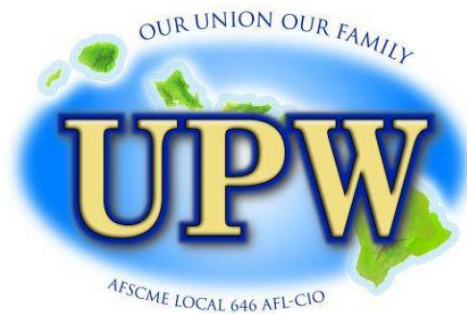
Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marianela	Philippine Nurses Association Hawaii	Support	No

Comments: We as an organization of Filipino nurses are in full support of this bill to persecute to the fullest an individual who commits violence against a healthcare provider.

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THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Seventh Legislature
Regular Session of 2014

COMMITTEE ON JUDICIARY

The Honorable Rep. Karl Rhoads , Chair
The Honorable Rep. Sharon E. Har, Vice Chair

DATE OF HEARING: Tuesday, April 1, 2014
TIME OF HEARING: 2:00 PM
PLACE OF HEARING: Conference Room 325

**TESTIMONY ON SB2032 SD2 HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE
PERSONNEL**

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW strongly supports SB2032 SD2, which Amends the offense of Assault in the Second Degree as it applies to medical professionals by expanding the types of medical services providers protected under this offense.

We ask that the committee pass this bill.

Thank you for the opportunity to testify on this measure.



Tuesday – April 01, 2014 – 2:00pm
Conference Room 325

The House Committee on Judiciary

To: Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

From: George Greene
President & CEO
Healthcare Association of Hawaii

Re: Testimony in Support
SB 2032, SD2, HD1— Relating to Violence Against Health Care Personnel

The Healthcare Association of Hawaii (HAH) is a 130-member organization that includes all of the acute care hospitals in Hawaii, the majority of long term care facilities, all the Medicare-certified home health agencies, all hospice programs, as well as other healthcare organizations including durable medical equipment, air and ground ambulance, blood bank and respiratory therapy. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 21,000 people statewide.

Thank you for the opportunity to testify in support of SB 2032, SD2, HD1, which increases penalties for violence against healthcare workers in hospitals, community health centers, and clinics. Healthcare workers are more than four times more likely to be victims of workplace violence than other private sector workers, and account for approximately 60% of all nonfatal workplace assaults occurring in private employment settings. (Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2007.)

Unfortunately, the problem of attacks on healthcare workers in Hawaii is pervasive. In 2013, there was an incidence rate of 29 assaults per 4954 FTEs in Hawaii hospitals (acute-care setting). This is equal to a rate of about 6 assaults per 1000 employed workers. In Hawaii, about 9% of the workforce is employed as a healthcare or mental health provider—accounting for more than 50,000 employees. That means, on average, that 300 healthcare workers are subject to violent assaults each year in Hawaii.

For example, in 2013 one Oahu hospital experienced twenty-four (24) assaults on staff, with attacks involving scratches and contusions, strikes resulting in a cracked tooth, and one bite-laceration. In the same year healthcare workers at a hospital on Kauai were the victims of twenty-six (26) assaults involving kicks, punches, pulled hair, and slaps.

SB 2032, SD2, HD1 would make assaults against healthcare workers in hospitals, federally qualified health centers, and medical clinics—currently a misdemeanor—a felony with increased penalties. The legal protections currently afforded to healthcare workers in emergency departments should be

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Affiliated with the American Hospital Association, American Health Care Association, National Association for Home Care and Hospice, American Association for Homecare and Council of State Home Care Associations

extended to workers in hospitals, federally qualified health centers, and medical clinics, given the increased risk of serious assaults occurring in these healthcare settings.

This kind of protection is currently offered to teachers and emergency room workers, in recognition of the value of their public service in violent and challenging circumstances. Healthcare workers also deserve extra protection. Every year, highly trained medical professionals leave the field of medicine because of the sometimes violent workplace conditions. With the growing doctor and nurse shortage in Hawaii, we cannot afford to continue to lose trained medical professionals.

Violent attacks have a widespread morale effect on the unit where a worker is attacked; the effects reach much farther than the broken bones or other physical wounds on the attacked worker. This bill would be a valuable tool for both worker protection and healthcare worker retention.

Thank you for the opportunity to testify in support of SB 2032, SD2, HD1.

Healthcare Worker Protection

Healthcare workers are more than four times more likely to be victims of workplace violence than other private sector workers, and account for approximately 60% of all nonfatal workplace assaults occurring in private employment settings. (Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2007.)

Unfortunately, the problem of attacks on healthcare workers in Hawaii is pervasive. In 2013, there was an incidence rate of 29 assaults per 4954 FTEs in Hawaii hospitals (acute-care setting). This is equal to a rate of about 6 assaults per 1000 employed workers. In Hawaii, about 9% of the workforce is employed as a healthcare or mental health provider—accounting for more than 50,000 employeesⁱ. That means, on average, that 300 healthcare workers are subject to violent assaults each year in Hawaii.

This is roughly on par with the national average of workplace violence in a medical setting at a rate of 6.5 per 1000 employeesⁱⁱ.

For example, in 2013 one Oahu hospital experienced twenty-four (24) assaults on staff, with attacks involving scratches and contusions, strikes resulting in a cracked tooth, and one bite-laceration. In the same year healthcare workers at a hospital on Kauai were the victims of twenty-six (26) assaults involving kicks, punches, pulled hair, and slaps.

ⁱ http://www.bls.gov/oes/current/oes_hi.htm#19-0000

ⁱⁱ <http://www.bjs.gov/content/pub/pdf/wv09.pdf>



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Seventh Legislature, State of Hawaii
House of Representatives
Committee on Judiciary

Testimony by
Hawaii Government Employees Association
April 1, 2014

S.B. 2032 SD 2, HD1 – RELATING TO VIOLENCE
AGAINST HEALTH CARE PERSONNEL

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of S.B. 2032 SD 2, HD1 which amends Hawaii Revised Statute 707-711, Section 1. (f) The person intentionally or knowingly causes bodily injury to any medical services provider who is engaged in the performance of duty. For the purposes of this paragraph, "medical services provider" means emergency medical services personnel, as defined in section 321-222, and physicians, physician assistants, nurses, advanced practice registered nurses, respiratory therapists, laboratory technicians, radiology technicians, social workers and unlicensed medical professionals or other medical staff involved in the direct care of patients, providing services in a hospital, medical clinic, or federally qualified health center.

Violent behavior has been increasing over the years, whether through the increase of abuse of narcotic drugs and/or prescriptive medications or because of psychological issues. Expanding the definition of medical services provider as well as other settings in which a medical services provider works, provides legal recourse should any assault occur.

Thank you for the opportunity to testify in support of S.B. 2032 SD 2, HD1.

Respectfully submitted,

Randy Perreira
Executive Director

SB2032

Submitted on: 3/29/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Lenora Lorenzo	Individual	Support	No

Comments: I support this bill. Please pass this measure. As an APRN I know the importance of protection for all health care workers and appreciate the intent of this bill. Mahalo

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SB2032

Submitted on: 3/30/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wailua Brandman	Individual	Support	No

Comments: Written Testimony Presented Before the House Committee on Judiciary April 1, 2014 2:00 p.m. Conference Room 325 by Wailua Brandman APRN PMHCNS/NP-BC FAANP SB 2032,SD2 , HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL Chair Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support of this bill, SB 2023,SD2, HD1. This measure would elevate what is now a misdemeanor offense of Assault in the Third Degree to a class "C" felony if the offense is committed against a health care provider. Further, it amends current language which limits its application only to emergency medical services providers and broadens it to apply to medical services providers. SB 2023, SD2, HD1 will help to discipline those who intentionally or knowingly cause bodily injury to all health care providers in Hawai'i. Therefore, I request passage of this measure. Thank you for the opportunity to testify. Wailua Brandman APRN PMHCNS/NP-BC FAANP Clinical Director Ke`ena Mauiola Nele Paia

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SB2032

Submitted on: 3/31/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Francisco Conde	Hawaii State Center for Nursing	Support	No

Comments: Chair Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, Thank you for this opportunity to provide testimony in strong support of this bill, SB 2023,SD2, HD1. This measure would elevate what is now a misdemeanor offense of Assault in the Third Degree to a class "C" felony if the offense is committed against a health care provider. Further, it amends current language which limits its application only to emergency medical services providers and broadens it to apply to medical services providers. SB 2023, SD2, HD1 will help to discipline those who intentionally or knowingly cause bodily injury to all health care providers in Hawai'i. Therefore, I support passage of this measure.

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SB2032

Submitted on: 3/31/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Curt S. Morimoto	Individual	Support	No

Comments: Please pass this bill!! It is only fair that Emergency workers be included.
Thank you!!

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LATE

House Committee on Judiciary
Tuesday, April 1, 2014
2:00 p.m.
Room 325

Re: SB 2032, SD2, HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL

On behalf of Kāhi Mōhala Behavioral Health, we are writing in support of SB 2032, SD2, HD1 RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL.

SB 2032, SD2, HD1 expands the medical services providers to which the certain assault offenses would apply.

We believe that this measure is an important step for the benefit of the community and we hope to continue to be positively engaged in discussions about it and other important mental health policy issues as the legislative session progresses.

Kāhi Mōhala Behavioral Health is a center for health care services. Kāhi Mōhala embraces an inter-disciplinary approach to services, incorporating an integrative perspective in emotional, physical, cognitive and behavioral health care treatment. The Kāhi Mōhala C.A.R.E.S. philosophy (Culture of Aloha, Relationship Based, and Environment of Safety) enhances excellence of care by incorporating the feedback of both patients and staff in developing the most positive healing environment.

Kāhi Mōhala's 88-bed facility is located on 14.5 acres on the rural west side on the island of Oahu. It is Hawaii's only freestanding, community-based, not-for-profit psychiatric hospital; serving the needs of not only individuals and families in Hawaii, but also those throughout the Pacific Rim. Kahi Mohala is accredited by The Joint Commission, certified by TRICARE and Medicare/Medicaid.

Mahalo,

Leonard Licina
Kāhi Mōhala Behavioral Health
91-2301 Old Fort Weaver Road
Ewa Beach, HI 96706

LATE

**Testimony of the Office of the Public Defender
State of Hawaii
to the House Committee on Judiciary**

April 1, 2014

S.B. 2032 SD2 HD1: Relating to Violence Against Health Care Personnel

Chair Rhoads and Members of the Committee:

This bill proposes to expand the special treatment under the Assault law which is now afforded to a growing category of individuals by expanding the definition in Assault in the Second Degree of “medical services provider.” This change would elevate what is now the misdemeanor offense of Assault in the Third Degree [“intentionally or knowingly causing bodily injury to another person”] to a class “C” felony if the offense is committed against a person falling under the expanded definition. As a result, conduct currently classified as Assault in the Third Degree, punishable by up to one year in prison, would become Assault in the Second Degree, punishable by up to five years in prison.

When the special protection for medical service providers was passed, the category approved was “emergency medical service providers.” It was understood that this protection was for ambulance personnel and other first responders. S.B. No. 2032 SD1 greatly expands the definition of anyone involved in the treatment of a patient. As a result, a patient who slaps or punches anyone involved in his care would be prosecuted on a felony offense, even though no substantial or serious injury resulted. We believe that punishment under the current Assault in the Third Degree law is sufficient in such a situation.

This bill is the latest in a line of proposed legislation seeking to single out particular occupations for special treatment as a class of victims. The problem with such legislation is that it does not afford greater protection from harm but it does create an ongoing desire by other occupations to be afforded the same special treatment. Our current Assault in the Second Degree assault statute gives special consideration to correctional workers, educational workers, emergency medical services personnel and persons employed at a state-operated or -contracted mental health facilities. As soon as there is an assaultive incident involving another occupation, the door has already been opened to ask why their group was not entitled to the same special treatment.

Other than the exceptions noted above, the structure of our penal code bases the level of an assault charge on three criteria:

- 1) the level of injury, if any, if caused by the defendant’s conduct,
- 2) the state of mind with which the conduct was done, and
- 3) the actual conduct itself, including whether or not a weapon was used.

We believe that the current structure should not be further changed to include this additional proposed category.

We do not support passage of S.B. No. 2032 SD2 HD1. Thank you for the opportunity to provide testimony on this bill.