



**Office of the Public Defender
State of Hawaii
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary
February 28, 2017, 2:00 p.m.**



H.B. No. 1484, HD1

Chair Nishimoto and Members of the Committee:

This measure would make an assault against a licensed health care professional a class C felony. H.B. 1484, HD1 adds licensed health care professionals to the growing number of occupations which have been singled out for special protection against assaults in the normal course of their employment. While we understand the desire to carve out special protections for certain individuals who are assaulted in the normal course of their employment, we believe this measure goes too far, and therefore, the Office of the Public Defender opposes H.B. 1484, HD1.

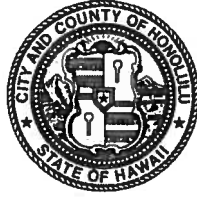
All employees should feel safe as they go about performing their requisite duties. Over the years, law enforcement officers, educational workers, emergency medical service providers, mental health workers and emergency workers have been singled out for special protection under Chapter 707, H.R.S. We believe that with the passage of time, more occupations will be added to this list. One question that should be asked is whether or not licensed health care professionals are assaulted during the course of their employment at a higher rate than the general public. Why are licensed health care professionals deserving of greater protection than unlicensed health care professionals? Another question that should be asked is why some occupations have been singled out for special protection, and others have not. Three deputy public defenders have been assaulted by our clients – twice in court and once at a parole hearing. The assailants were charged and prosecuted with misdemeanor assault, and were not given enhanced penalties.

Enhanced penalties for assaults committed upon licensed health care professionals will not have a concomitant effect on their safety. The assumption that enhanced penalties will deter individuals from harming a certain class of individuals is false. Most individuals do not follow legislative action, and do not give pause to possible penalties when acting out of emotion and anger.

We strongly oppose H.B. 1484, HD1, and thank you for the opportunity to present testimony to this committee.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE ST-DA

February 28, 2017

The Honorable Scott Y. Nishimoto, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 1484, H.D. 1, Relating to Assault

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1484, H.D. 1, Relating to Assault.

This bill appropriately provides an additional mechanism to protect health care or human services professionals while performing their official job duties. These workers should be equally afforded the same legislative protection as other professionals who are covered under Hawaii Revised Statutes, Section 707-711, Assault in the Second Degree.

Signing these measures into law will help better protect these workers from harm by providing an additional deterrent to potential violators.

The HPD urges you to support House Bill No. 1484, H.D. 1, Relating to Assault.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to read "Cary Okimoto", is written over a horizontal line.

Cary Okimoto
Acting Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Ozeki", is written over a horizontal line.

Walter Ozeki, Captain
Criminal Investigation Division

February 28, 2017/2:00 p.m.
Conference Room 325

House Committee on Judiciary

To: Representative Scott Nishimoto, Chair
Representative Joy San Buenaventura, Vice Chair

From: Michael Robinson
Vice President – Government Relations & Community Affairs

**Re: HB 1484, HD1 – Relating To Assault
Testimony In Support**

My name is Michael Robinson, Vice President, Government Relations and Community Affairs at Hawai'i Pacific Health (HPH). Hawai'i Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-governmental employer. Hawai'i Pacific Health 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.

HPH supports HB 1484 which creates an offense of assault in the second degree if a person intentionally or knowingly causes bodily injury to a health care or human services professional.

All health care and human services professionals 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. Additionally, 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 HB 1484.

Thank you for the opportunity to provide this testimony.



February 28, 2017 at 2:00 PM
Conference Room 325

House Committee on Judiciary

To: Chair Scott Y. Nishimoto
Vice Chair Joy A. San Buenaventura

From: Paige Heckathorn
Senior Manager, Legislative Affairs
Healthcare Association of Hawaii

Re: **Testimony in Support**
HB 1484 HD 1, Relating to Assault

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 180 member organizations who represent almost every aspect of the health care continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

We would like to thank the committee for the opportunity to **support** HB 1484 HD 1, which would extend legal protections currently afforded to emergency services personnel to all health care workers. A 2014 survey found that almost 80 percent of nurses reported being attacked in the course of duty. Further, the Occupational Safety and Health Administration found that, from 2002 to 2013, incidents of serious workplace violence (those incidences requiring the injured worker to take time off to recuperate) were four times more common in healthcare than any other private industry.

Under current Hawaii law, only emergency medical service providers are protected under Hawaii state law against violence. Given the increased risk of serious assault, the discrepancy between legal protections and the incidence of workplace violence against all healthcare workers should be addressed. This legislation would resolve the disparity by extending legal workplace protections against physical assaults to other healthcare providers at risk of attack.

Thank you for your consideration of this matter.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

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

Testimony by
Hawaii Government Employees Association

February 28, 2017

H.B. 1484, H.D. 1 – RELATING TO ASSAULT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1484, H.D. 1 which establishes that an offense is a second degree assault if a person intentionally or knowingly causes bodily injury to a health care or human services professional.

We firmly believe that violence against health care workers should be added to the offenses of assault in the second degree. Similar protection already exists for teachers, other educational workers emergency medical technicians, and employees who work in a correctional or detention facility. Passage of this legislation will send a message that if a patient or family member seriously assaults a nurse or other health care worker, that person can be prosecuted and imprisoned. The Bureau of Labor Statistics found that health care providers are at 16 times greater risk for violence than other workers. Health care workers have significantly higher rates of on-the-job nonfatal assaults. Nurses are often the primary targets of nonfatal assaults and psychiatric nurses have the highest rate of assault.

Health care providers do not deserve to be subjected to violence while caring for patients and this bill should offer some protection. Thank you for the opportunity to testify in support of this measure.

Respectfully submitted,


Randy Perreira
Executive Director



**THE QUEEN'S
HEALTH SYSTEMS**

LATE

To: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From:  Paula Yoshioka, Senior Vice President, The Queen's Health Systems

Date: February 27, 2017

Hrg: House Committee on Finance Hearing; Tuesday, February 28, 2017 at 2PM in Room 325

Re: **Support on HB 1484, HD1, Relating to Assault**

My name is Paula Yoshioka, and I am a Senior Vice President at The Queen's Health Systems (QHS). QHS would like to express **support** for HB 1484, HD1, Relating to Assault. This bill establishes that an offense is assault in the second degree is a person intentionally or knowingly causes bodily injury to a health care or human services professional.

QHS supports protecting our licensed health care workers from bodily injury. In 2015, there were 170 reported incidents at The Queen's Medical Center – Punchbowl. In 2016, we endeavored to improve reporting and documenting assaults leading to a total of 209 reported incidents that year. While we do not want to unintentionally criminalize our patients and visitors who may suffer from a mental illness, we believe that the language in this bill and the due process of the judicial system will help to ensure that will not happen.

We commend the legislature for introducing this measure and ask you to support it. Thank you for your time and attention to this important issue.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.