

SB1119

Measure Title: RELATING TO ASSAULT.

Report Title: Assault; Second Degree; Health Care or Human Services Professional

Description: Establishes that an offense is assault in the second degree if a person intentionally or knowingly causes bodily injury to a health care or human services professional. Defines health care or human services professional.

Companion: HB1484

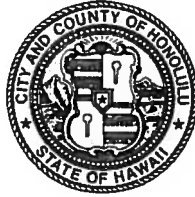
Package: None

Current Referral: CPH, JDL

Introducer(s): S. CHANG

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE

ST-DA

February 13, 2017

The Honorable Rosalyn H. Baker, Chair
and Members
Committee on Commerce, Consumer
Protection, and Health
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Baker and Members:

SUBJECT: Senate Bill No. 1119, Relating to Assault

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

The HPD supports Senate Bill No. 1119, 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 Senate Bill No. 1119, Relating to Assault.

Thank you for the opportunity to testify.

APPROVED:

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

Cary Okimoto
Acting Chief of Police

Sincerely

A handwritten signature in black ink, appearing to be "Stason Tanaka", written in a cursive style.

Stason Tanaka, Captain
Criminal Investigation Division



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
The Senate
Committee on Commerce, Consumer Protection, and Health

Testimony by
Hawaii Government Employees Association

February 13, 2017

S.B. 1119 – RELATING TO ASSAULT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 1119 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. As a safeguard to persons under treatment, a provision is included which shields them from application of the law unless they knowingly or intentionally cause bodily injury.

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

Respectfully submitted,

Randy Perreira
Executive Director



February 13, 2017 at 10:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection, and Health

To: Chair Rosalyn H. Baker
Vice Chair Clarence K. Nishihara

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

Re: **Testimony in Support**
SB 1119, 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** SB 1119, 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 must be addressed. This legislation would resolve the disparity by extending legal workplace protections against physical assaults to other healthcare providers at risk of attack. We would note that there are some concerns regarding the criminalization of patients with mental health issues, however, and would be willing to explore ways to prevent that from happening.

Thank you for your consideration of this matter.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Clarence K. Nishihara, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: February 10, 2017

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Monday,
February 13, 2017 at 10:30AM in Room 229

Re: **Support with comments on SB 1119, 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 **support the intent** of SB 1119, 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 agrees with the intent of protecting health care workers from bodily injury; however, we do not want to unintentionally criminalize patients or visitors who may suffer from a mental illness. We would like to work with the committee and other stakeholders to refine the language in the bill to ensure that we protect these vulnerable patients from criminal charges.

Thank you for your time and attention to this important issue.

February 13, 2017/10:30 a.m.

Conference Room 229

Senate Committee on Commerce, Consumer Protection & Health

To: Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice Chair

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

**Re: SB 1119 – 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 SB 1119 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. The broad language as to the types of workers who may be considered victims of assault as well as the setting where such conduct occurs ensures greater protection to our health care and human services staff.

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 1119.

Thank you for the opportunity to provide this testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2017 12:04 PM
To: CPH Testimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for SB1119 on Feb 13, 2017 10:30AM*

SB1119

Submitted on: 2/10/2017

Testimony for CPH on Feb 13, 2017 10:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2017 4:08 PM
To: CPH Testimony
Cc: fu_dog_5@yahoo.com
Subject: *Submitted testimony for SB1119 on Feb 13, 2017 10:30AM*

SB1119

Submitted on: 2/11/2017

Testimony for CPH on Feb 13, 2017 10:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
robert	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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