



**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 27, 2018

H.B. No. 1906: RELATING TO HEALTH CARE WORKERS

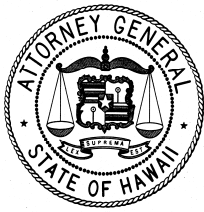
Chair Nishimoto and Members of the Committee:

The Office of the Public Defender strongly opposes H.B. 1906. This measure would make an assault against a health care worker a class C felony when it involves a person who act intentionally or knowingly to cause bodily injury. This measure adds health care workers 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 classes of individuals who are assaulted in the normal course of their employment, we believe this measure is just another example of the expansion of misdemeanor level assaults to felony level assaults – not based on the act itself but based on the job description of the victim. Over the years, this special list has grown to include many special categories and occupations.

It is our position that all employees should feel safe as they go about performing their requisite duties. We believe that with the passage of time, more and more special categories and occupations will be added to this list. As the list grows, additional employees and groups will be asking whether they should also request special consideration and be included for special protection. Enhanced penalties for assaults committed upon health care workers 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 citizens do not follow legislative action and do not give pause to possible penalties when acting out of situational emotion and anger nor when acting out because of stress or mental health issues.

We believe the flood gates of special protection requests are already open in light of the growing list of special employment categories to the assault statute. We urge caution and we ask the Legislature to reevaluate the necessity for this measure and the necessity of expanding the ever growing list of elevated assault offenses based on employment status.

We strongly oppose H.B. 1906 and thank you for the opportunity to present testimony to this committee.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1906, H.D. 1, RELATING TO HEALTH CARE WORKERS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, March 1, 2018

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Lance Goto, Deputy Attorney General.

Chair Nishimoto and Members of the Committee:

The Department of the Attorney General ("the Department") appreciates the intent of this bill and submits comments.

The purpose of this bill is to amend section 707-711, Hawaii Revised Statutes (HRS), regarding the class C felony offense of assault in the second degree, to include intentionally or knowingly causing bodily injury to certain health care workers.

On page 9, lines 11-18, the proposed paragraph (l) uses the broad and undefined term "health services" which may create issues in application and enforcement. The paragraph reads:

The person intentionally or knowingly causes bodily injury to a person, employed or contracted to work by a mutual benefit society, as defined in section 432:1-104, to provide **health services** such as case management services to an individual in a hospital, health care provider's office, home, **or other setting**, while that person is engaged in the performance of those services. [Emphases added.]

The use of the phrase "or other setting" may increase the breadth and vagueness of the application of this paragraph. It is understood that "health services" was used to extend the application of this paragraph beyond case management services. But "health services" is extremely broad. For example, section 431:10H-201, HRS, provides the following definition:

"Home health care services" means medical and nonmedical services, provided to ill, disabled, or infirm persons in their residences. These services may include

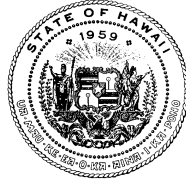
homemaker services, assistance with activities of daily living, and respite care services.

Section 432D-1, HRS, includes the following definition:

"Basic health care services" means the following medical services: preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory services, and diagnostic and therapeutic radiological services. It does not include mental health services, services for alcohol or drug abuse, dental or vision services, or long-term rehabilitation treatment, except as provided in chapter 431M.

The terms "health services" or "health care services" could mean many things. The Department suggests that the Committee may want to consider providing a definition for "health services" for criminal law purposes that is not as broad as the definitions used for insurance coverage.

The Department appreciates the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB1906 HD1
RELATING TO HEALTH CARE WORKERS.**

REP. SCOTT NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 28, 2018

Room Number: 016

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health supports the intent of HB1906 HD1, which
3 is to extend protections for health care workers who are vulnerable to attack beyond those in the
4 emergency room. Health care settings should safe environments for patients and staff regardless
5 of their role or position. This measure will improve the conditions not only in the private sector,
6 but also in government. Currently, only department staff employed at the Hawaii State Hospital
7 have specific protections under section 707-711, Hawaii Revised Statutes, so the broader
8 protections of HB1906 HD1 will benefit the Department of Health both as an employer and
9 provider of care.

10 **Offered Amendments:** N/A.

March 1, 2018 at 2:00pm
Conference Room 325



House Committee on Judiciary

To: Chair Scott Nishimoto
Vice Chair Joy San Buenaventura

From: Dee Robinson
Administrator
One Kalakaua Senior Living

Re: **Testimony in Support**
HB 1906 HD 1, Relating to Violence Against Healthcare Workers

Thank you for the opportunity to testify in **support** of HB 1906 HD 1, which would make it a felony to assault any healthcare worker in a healthcare facility or in an individual's home that they are working at. Healthcare workers across the state, work diligently and tirelessly every day to meet the medical needs of ill patients from all walks of life. There has been an increasing rise in the number of serious workplace violence situations leading to serious injury of our healthcare workers here in Hawaii.

I am frustrated with the current system. Currently, assault against a healthcare worker in a hospital, nursing home, assisted living facility or other similar healthcare setting, is considered a misdemeanor. Because of this lesser charge, the perpetrators of such assaults are getting away with a slap on their wrist. Meanwhile, the employee may feel as if they have gone through this very traumatic situation of being assaulted, suffering injuries, filing charges, going to court and then in the end the perpetrator has no real consequences. In some cases the offenders may even be allowed back in the facility.

Passing this legislation would rightfully recognize the risks that healthcare employees face going to work each day. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. I believe that the threats that our healthcare workers face every day should qualify them to be included in these groups. Please support this bill and include all healthcare workers in the protections afforded to others in high-risk occupations.

In a time when it is very difficult to attract and retrain workers in our healthcare profession, this legislation is critical. While I understand that this may not necessarily deter this crime, I am sure that it will definitely improve the morale among our healthcare professionals.

Thank you for the opportunity to testify in **support** of HB 1906 HD 1.



March 1, 2018 at 2:00 PM
Conference Room 325

House Committee on Judiciary

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

From: Hilton Raethel
President and CEO
Healthcare Association of Hawaii

Re: **Testimony in Support**
HB 1906 HD 1, Relating to Healthcare Workers

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 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.

The Healthcare Association of Hawaii would like to thank the committee for the opportunity to **support** HB 1906 HD 1, which would increase protections for vulnerable healthcare workers. This protection is needed because of the high rates of violence against healthcare workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides. Currently, healthcare workers in the emergency room are protected under law, but all other healthcare workers are not. We are seeking parity for all workers through this legislation.

There are rising rates of assault and violence against healthcare workers in Hawaii. A survey of HAH members found that, in 2017, there were 1,175 incidents of assault against workers, a record number. This included assaults that occurred in hospitals, nursing homes, and against home health workers who entered a patient's residence. In 39% of those cases, the local police department was contacted. (In the other set of cases, the facility's security handled the matter.)

Healthcare workers, like the other classes of employees who enjoy greater protection under the law, are particularly vulnerable in their positions. Many healthcare facilities, including hospitals and community health centers, generally offer unrestricted access to the public. Most anyone can come into these facilities with no screening. Facilities in high-risk areas may experience more violent behavior, and long wait times or overcrowded waiting rooms may exacerbate the issue.

It is well-documented that all healthcare workers face high rates of violence on the job. According to the Bureau of Labor Statistics, the rates of nonfatal workplace violence against healthcare workers are from 5-12 times higher than for workers overall. The rate of nonfatal workplace violence against all workers was 2.8 incidents per 10,000 workers. For hospital workers, the rate was 14.7 incidents per 10,000 workers and for nursing and residential workers the rate was an astonishing 35.3 incidents per 10,000 workers.

These are not just numbers—there are real stories behind these assaults. We've heard stories from our members that are disturbing and disheartening. One facility described a patient who threatened fatal injury to nurses, and another where a nurse was grabbed by the neck and partially dragged. Home care agencies and other providers who go into homes also note that they are often intimidated with physical violence with no security.

The current system is simply not working. Currently, assault against a healthcare worker in a hospital or nursing home is considered a misdemeanor. What we have heard from members is that, because of the lesser charge, the perpetrators of the assault are usually getting off with a "slap on the wrist". Healthcare workers feel as if they have gone through a major trauma, but that, in the end, there are no real consequences for the person who assaulted them. Some facilities have even expressed their concern that repeat offenders may be allowed on campus.


This legislation would rightfully recognize the risks that healthcare employees face just going to work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. This legislation is also important because it will help us to increase morale and retain talented employees, especially amid a shortage in our medical workforce. Further, all members of the community can also feel safer when seeking essential health services in facilities. Importantly, this legislation only applies to those who intentionally or knowingly assault a healthcare worker. Individuals with mental illness will not be penalized by this legislation.

This legislation will help our healthcare workers feel better protected while they carry out the work of taking care of members of our community. Thank you for your consideration of this measure.



THE QUEEN'S HEALTH SYSTEMS

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

From:  Paula Yoshioka, Vice President of Government Relations and External Affairs, The Queen's Health Systems

Date: Tuesday, February 27, 2018

Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Paula Yoshioka and I am the Vice President of Government Relations and External Affairs at The Queen's Health Systems. We would like to express our **strong support** for HB 1906 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers in a facility, home health care workers, and case management workers in the home.

Queen's concurs with the Healthcare Association of Hawaii (HAH) that this legislation would rightfully recognize the risks that health care employees face just going to work. It is currently a felony to assault certain classes of workers including: correctional workers, education workers, employees of state operated or contracted mental health facilities, emergency medical service workers, firefighters, and water safety officers. We believe that the threats that our health care workers face every day qualifies them to be included in this group.

There has been an increase in the amount of violence on health care workers over the years. According to the U.S. Bureau of Labor Statistics, 11,200 workers in the health care and social assistance industry were intentionally injured by another person requiring days away from work.¹ From 2002 to 2013, these incidents were four times more common in healthcare than in private industry average.² Internally we have tracked an increase in the number of assaults reported to security personnel and risk management (See Figure 1). Nevertheless, we find that our security personnel are only notified in the most serious cases and the true numbers of assaults are likely higher than reported.

Sometimes these incidents can lead to serious injuries for our staff resulting in medical treatment, disability claims, and leaves of absence (See Figure 2). Costs to the health care system are also

¹ U.S. Bureau of Labor and Statistics (2015). Table R4. Number of nonfatal occupational injuries and illnesses involving days away from work by industry and selected events or exposures leading to injury or illness, private industry, 2015. <https://www.bls.gov/iif/oshwc/osh/case/ostb4756.pdf>

² Occupational Safety and Health Administration. Workplace Violence in Healthcare. December 2015. <https://www.osha.gov/Publications/OSHA3826.pdf>

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significant. In FY 2017 Workers' Compensation related costs from combative patients cost the system \$376,781, which was a 118% increase from FY 2016 (See Figure 3).

We ask for your support in including all health care workers in the protections afforded to others in high-risk occupations. This legislation will address this costly, emotional issue and help our health care workers to feel better protected while they carry out their line of work and help raise morale. This is especially important amid Hawaii's shortage in our medical workforce. Further, this change will align us with the eight other states that treat assault against any healthcare worker as a felony.

I commend the legislature for introducing this measure and thank you for your time and attention to this important issue.

Attachment: Figures 1, 2, and 3

Figure 1. Incidents at The Queen's Medical Center Punchbowl and West Oahu

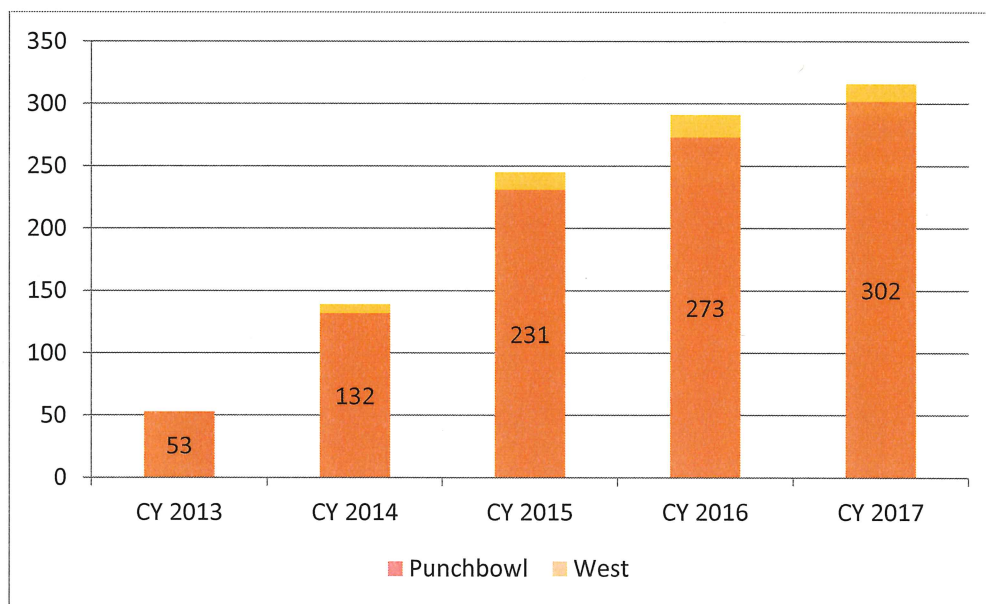


Figure 2. Workers Compensation Staff Injuries from Combative Patients – All Four Hospitals

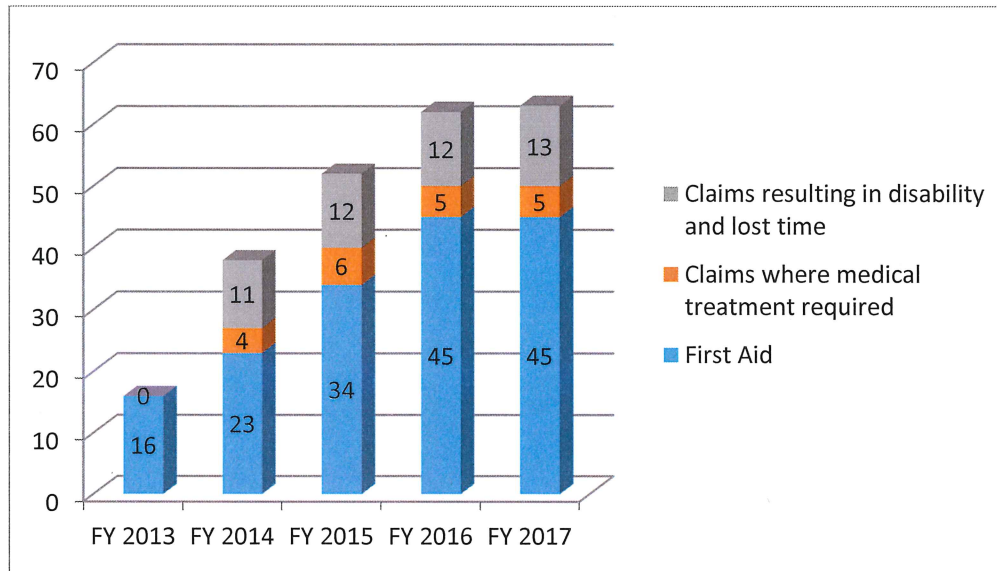
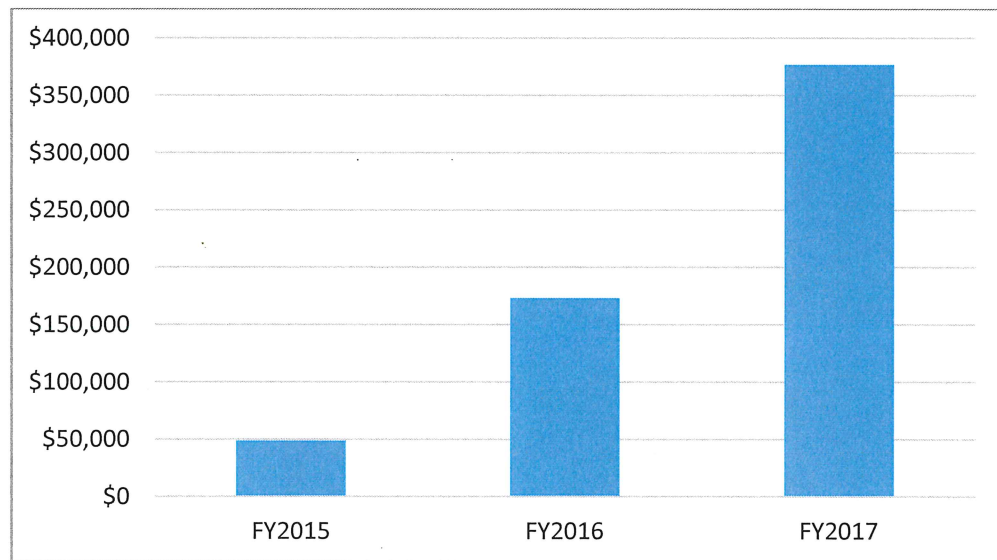


Figure 3. Costs Related to Workers' Compensation Incidents Involving Combative Patients





THE QUEEN'S HEALTH SYSTEMS

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

From: Madeline (Mimi) Harris, Vice President and Chief Nursing Officer, The Queen's Health Systems

Date: Tuesday, February 27, 2018

Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Mimi Harris and I am a Vice President and Chief Nursing Officer at The Queen's Health Systems. I would like to express my **strong support** for HB 1906, HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers and staff in a facility, home health care workers, and case management workers in the home.

According to the U.S. Bureau of Labor Statistics, 11,200 workers in the health care and social assistance industry were intentionally injured by another person requiring days away from work.¹ From 2002 to 2013, these incidents were four times more common in healthcare than in private industry average.² Our nurses are particularly vulnerable. A 2015 study surveying more than 700 registered nurses at a private hospital system in Virginia reported that 76 percent had experienced physical or verbal abuse from patients and visitors in the previous 12 months. About 30 percent said they had been physically assaulted.³

In my role as the Chief Nursing Officer for Queen's, I participate in daily safety rounds where I hear the nurses' stories of assault by patients and visitors firsthand. Each situation can be highly traumatic and we do our best to support and protect our nurses and other staff from abuse. However, we have found that should the victim wish to press charges against their attacker, the penalty for assault will vary based on the class and location of health care worker. It is currently a felony to assault certain classes of workers including: correctional workers, education workers, firefighters, water safety officers, employees of state operated or contracted mental health facilities, and emergency medical service workers including those who work in Emergency Departments.

¹ U.S. Bureau of Labor and Statistics. Table R4. Number of nonfatal occupational injuries and illnesses involving days away from work by industry and selected events or exposures leading to injury or illness, private industry, 2015. <https://www.bls.gov/iif/oshwc/osh/case/ostb4756.pdf>

² Occupational Safety and Health Administration. Workplace Safety and Health Administration. Workplace Violence in Healthcare. December 2015. <https://www.osha.gov/Publications/OSHA3826.pdf>

³ Journal of Emergency Nursing. 2014 May;40(3):218-28; quiz 295. doi: 10.1016/j.jen.2013.05.014. Epub 2013 Sep 17. <https://www.ncbi.nlm.nih.gov/pubmed/24054728>

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Assaults do not stop at the doorway of the Emergency Department. Our nurses want to know that they are protected by law that will apply equally if they work in the Emergency Department or in an inpatient unit elsewhere in the hospital. The threats that nurses and other health care workers face every day in the performance of their duties to provide quality care to the sick and vulnerable qualifies all hospital staff to be included in the protected class of workers.

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



THE QUEEN'S HEALTH SYSTEMS

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

From: Boyd Hurley, Security Manager, The Queen's Medical Center
Date: Tuesday, February 27, 2018
Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Boyd Hurley and I am a Security Manager at The Queen's Medical Center. I would like to express my **strong support** for HB 1906, HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers and staff in a facility, home health care workers, and case management workers in the home.

I have been employed at The Queen's Medical Center for about 25 years. Within the past few years there has been a big increase in violence against hospital staff, especially assault cases that are intentional and unprovoked. Below are a few examples of firsthand accounts collected from staff at The Queen's Medical Center Punchbowl campus.

Assault on a Nurse

A nurse went to a patient's room to change the bed linens and give the patient a bed bath. While she was changing the patient out of his clothing, he attacked her and punched her in the head with both an open and closed fist multiple times before she was able to get away. She ran out of the room and notified Security. The Honolulu Police Department (HPD) was called and arrested the perpetrator. The nurse sustained injuries to the top of her head and her face.

Assault on a Security Officer

One of my security officers was called to an outpatient department on a report of a male sitting in the waiting room for a while with no appointment. The security officer responded and approached the male to ask if he had an appointment. The male did not answer, got up, and walked out towards the lobby. He forgot to grab a bag that was alongside his chair so the security officer grabbed the bag and followed the male to the lobby to return it to him. When the officer approached the male and told him he forgot his bag on the floor, the male without any warning turned and punched my officer in the face causing him to fall to the ground. The male then jumped on the officer and continued to assault him. The officer was limp and defenseless during the assault. Just at that moment, another security officer saw the assault occurring, detained the male, and put him in handcuffs. The injured officer was transported to the Emergency Department (ED) where he was treated for injuries to his nose and left eye socket. The perpetrator was arrested by HPD.

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Assault on a Nurse Aide

A nurse aide at the patient's bedside informed the patient she will be changing him out of his hospital pajamas for a clean set. Without any warning the patient swung his leg around kicking the nurse aide in the face causing her to fall to the ground. The patient got out of the bed, straddled her on the ground, and continued to strike her in the head and body with a closed fist. She yelled for help and somehow managed to get him off of her and ran out of the room. Security was called and HPD was notified.

Assault on a Security Supervisor

A security supervisor was called by staff to stand by the room of a patient who had already assaulted four nurses during his stay. The security supervisor arrived on the unit and stood by the doorway while staff prepared to go in the room to provide treatment. When the security supervisor turned his back to the patient to answer a question from a staffer outside the room, the patient got out of bed and struck him in the face with a closed fist. The security supervisor fell to the ground, but managed to protect himself and subdue the patient while other staff responded to assist. The security supervisor suffered injury to the nose and eye socket and HPD was called.

These are just a few examples of the kind of violence our hospital staff faces every day. I believe that this legislation would rightfully recognize the risks that our employees face just going to work. It is currently a felony to assault certain classes of workers including: correctional workers, education workers, employees of state operated or contracted mental health facilities, emergency medical service workers, firefighters, and water safety officers. The threats that we face every day qualifies all health care workers and auxiliary staff to be included in this group.

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



THE QUEEN'S HEALTH SYSTEMS

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

From: Anthony Talley, Security Officer, The Queen's Medical Center
Date: Tuesday, February 27, 2018
Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Anthony Talley and I am a Security Officer at The Queen's Medical Center. I would like to express my **strong support** for HB 1906, HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers and staff in a facility, home health care workers, and case management workers in the home.

In current law it is a felony to assault certain classes of workers, such as: correctional workers, education workers, employees of state operated or contracted mental health facilities, firefighters, water safety officers, and emergency medical service workers including those work in Emergency Departments. As a Security Officer at a hospital, I am not part of the protected class of workers; however, I often work alongside staff who are and yet someone who assaults me would be subject to a misdemeanor and not a felony.

For example, one day while I was working in the back of the Emergency Department (ED), I was asked by ED staff to standby and assist with a patient in the hallway. The patient was visibly intoxicated and became belligerent. I called another Security Officer to assist and there were about three other ED staff present as well. The patient stood up off the gurney, yelled, and punched me in the mouth for no known reason. All staff and myself escorted the patient to the floor for his safety and to prevent further injury to anyone else. We then escorted the patient into a different room where he spat onto the face of the other Security Officer. I checked into the ED for my injuries and called the Honolulu Police Department (HPD) to file charges. I was later subpoenaed to court where the accused was sentenced to serve about a month of time and ordered to take classes. They counted time served so he was released the same day of the ruling. However, if he had punched an ED staffer standing next to me in the incident, that would have been a felony instead of a misdemeanor.

I believe that this legislation rightfully recognizes the risks that our employees face just going to work. The threats that we face every day qualifies health care workers and other auxiliary staff to be included in this group.

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

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THE QUEEN'S HEALTH SYSTEMS

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

From: Kapunahеле Montgomery, Cardiovascular Services Director, The Queen's Medical Center

Date: Tuesday, February 27, 2018

Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Kapunahēle Montgomery and I am the Cardiovascular Services Director at The Queen's Medical Center. I would like to express my **strong support** for HB 1906, HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers and staff in a facility, home health care workers, and case management workers in the home.

A few months ago, we cared for a Telemetry patient that needed monitoring. He was violent and required sedation because he was a danger to self and others. After the sedation wore off, he began screaming in the room and pillaged the sharps container, stabbing himself with the needles. An extremely daunting individual (6'5", 300lbs), he was verbally abusive and threatened the nurses with bodily harm. Thankfully, one of our nurses was able to "talk him down" and take care of him for the rest of the shift. She and the other staff on that night were emotionally traumatized and required multiple debriefs to help support their well-being in the ensuing weeks.

In our mission to care for our patients, health care workers are subject to the same risks to harm that other professionals encounter. Patients and families need to recognize that we too place ourselves in harm's way to improve the well-being and health of our patients.

I believe this legislation rightfully recognizes the risks that our staff face just going to work. It is currently a felony to assault certain classes of workers including: correctional workers, education workers, employees of state operated or contracted mental health facilities, emergency medical service workers, firefighters, and water safety officers. I think the threats that we face every day qualifies health care workers and other auxiliary staff to be included in this protected group. 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.



THE QUEEN'S HEALTH SYSTEMS

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

From: Vincent J. Nip, M.D., Chief, Division of Plastic Surgery, The Queen's Health Systems

Date: Tuesday, February 27, 2018

Hrg: House Committee on Judiciary Hearing; Thursday, March 1, 2018 at 2PM in Room 325

Re: **Support for HB 1906, HD1, Relating to Health Care Workers**

My name is Dr. Vincent Nip and I am a Chief, Division of Plastic Surgery at The Queen's Medical Center. I would like to express my **strong support** for HB 1906, HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care worker. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care workers and staff in a facility, home health care workers, and case management workers in the home.

I am a plastic and reconstructive surgeon working at The Queen's Medical Center caring for patients with craniofacial trauma and soft tissue injuries. I have been serving these patients for over 25 years. These patients come in for many injuries sustained by various mechanisms resulting in facial fractures, broken cheek, jaw and eye socket bones, just to name a few. Some are a result of MVAs, assaults, sporting injuries, self-inflicted gunshot wounds. Many have complex facial lacerations, abrasions, and avulsions along with their bony injuries.

What I have come to realize over the years is that the injuries are the same but the patient population has changed. What does that mean? The new patient population is frequently belligerent, confrontational, angry, non-compliant, and downright nasty. I've said many times of late "I love the surgeries; I am challenged by the patient population" who often do not appreciate the quality care they are provided. I can accept this to some degree, but I cannot accept when they become verbally and potentially physically abusive. Terroristic threats to physically harm me have been made by patients, necessitating me to get authorities involved, short of requesting a TRO for my protection. I have found myself in a situation in the hallway of a unit when a family member confronted me with an invitation for a "MMA" brawl. I don't think he was being humorous. Nurses have been recipients of verbal abuse by patients and report to me. I am then put in a position to take control of the situation.

In an era of heightened awareness of abuse and harassment, I am quite surprised that physical, emotional, and psychological harm to health care providers is a misdemeanor.

I believe that this legislation would rightfully recognize the risks that our staff face just going to work. It is currently a felony to assault certain classes of workers including: correctional workers, education workers, employees of state operated or contracted mental health facilities,

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V. Nip M.D., The Queen's Health Systems

Page 2

emergency medical service workers, firefighters, and water safety officers. I think the threats that we face every day qualifies health care workers and other auxiliary staff to be included in this protected group.

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

HB-1906-HD-1

Submitted on: 2/27/2018 3:40:45 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elena Cabatu	East Hawaii Region of Hawaii Health Systems Corporation	Support	Yes

Comments:

On behalf of the East Hawaii Region of Hawaii Health Systems Corporation, representing over 1,300 health workers, I support HB 1906 HD1.

Elena Cabatu

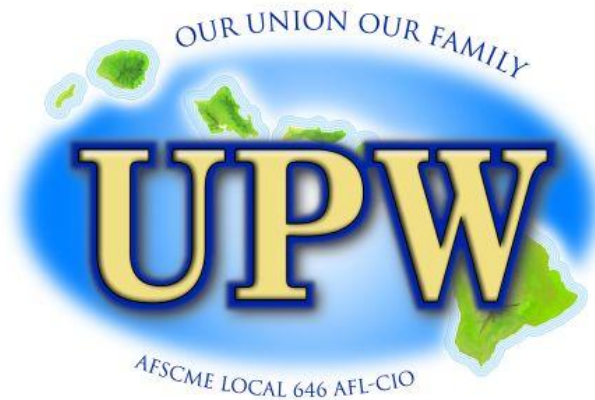
Director of Marketing and Public & Legislative Affairs

Hilo Medical Center - Hale Ho'ola Hamakua - Kau Hospital

1190 Waiuanuenue Avenue

Hilo, Hawaii 96720

Phone: (808) 932-3160



THE HOUSE OF REPRESENTATIVES

The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON JUDICIARY

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

DATE OF HEARING: Thursday, March 1, 2018
TIME OF HEARING: 2:00 p.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 325

TESTIMONY IN SUPPORT OF HOUSE BILL 1906 HD1
RELATING TO HEALTH CARE WORKERS

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

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members of the private sector.

The UPW **strongly supports** HB1906 HD1 which would classify an intentional bodily injury of a health care worker as a class C felony. There have been too many instances (1,075) in Hawaii where healthcare workers have been attacked and injured in hospitals, nursing homes and patients' home in 2017 according to the Hawaii Tribune, February 15, 2018. And it is only a misdemeanor. It is however, a felony if a lab technician, nurse or a physician is attacked in the Emergency Room. All injuries and attacks on healthcare workers should be a class C felony.

Thank you for the opportunity to submit this testimony.



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

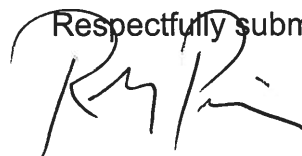
March 1, 2018

H.B. 1906, H.D. 1 – RELATING TO HEALTH CARE WORKERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1906, H.D. 1 which makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony.

We firmly believe that violence against health care workers should be added to the offense of a Class C felony. 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 clear message that if a patient or family member seriously assaults a nurse or other health care worker, that individual can be prosecuted and imprisoned. Health care workers have significantly higher rates of on-the-job nonfatal assaults and the Bureau of Labor Statistics found that health care providers are at 16 times greater risk for violence than other workers. 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

HB-1906-HD-1

Submitted on: 2/27/2018 4:54:42 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Rose MD, MBA	Individual	Support	No

Comments:

As a physician in East Hawaii Region of Hawaii Health Systems Corporation, I would like submit my **support for HB1901 HD1**, relating to health care workers that makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. This bill would increase protections for me and my fellow healthcare workers at our hospitals in Hilo, Honokaa and Kau, including our ten outpatient clinics.

This healthcare worker protection bill is needed because of the high rates of violence against healthcare workers across the nation, and the growing problem of violence against these workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides.

There are rising rates of assault and violence against healthcare workers in Hawaii. At Hilo Medical Center, the largest hospital on Hawaii Island, 20 incidents of assault were against our employees in the last year. Of these incidents, 95% of the assaults were carried out by patients resulting in a total cost of \$400,000 to our facility.

These are not just numbers—there are real stories behind these assaults. The current system is simply not working. This legislation would rightfully recognize the risks that healthcare employees face just going to work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. **HB1901 HD1** will help our healthcare workers feel better protected while they carry out the work of taking care of members of our community. Please help us protect our workers.

Thank you for your consideration of this measure.

Testimony of
Jonathan Ching
Government Relations Specialist

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

March 1, 2018
2:00 p.m.
Conference Room 325

Re: HB1906 HD1, Relating to Health Care Workers

Chair Nishimoto, Vice Chair San Buenaventura, and committee members, thank you for this opportunity to provide testimony on HB1906 HD1, which expands protections for healthcare workers from assaults.

Kaiser Permanente Hawai‘i SUPPORTS HB1906 HD1.

Kaiser Permanente Hawai‘i is Hawai‘i’s largest integrated health system that provides care and coverage for nearly 251,000 members. Each day, more than 4,300 dedicated employees and approximately 450 Hawai‘i Permanente Medical Group physicians come to work at Kaiser Permanente Hawai‘i to care for our members at Moanalua Medical Center and our 27 medical clinics, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

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.”

Currently, under Hawai‘i Revised Statutes § 707-711, there are additional penalties for a defendant that “intentionally or knowingly causes bodily injury” to certain classes of workers, such as educational workers, employees of a state-operated or -contracted mental health facility, firefighters or water safety officers who are engaged in the performance of duty, and emergency medical services providers. While emergency medical services providers cover *some* of the employees of healthcare facilities, it is limited to those providing services in the emergency room of a hospital. Healthcare workers, as defined in HB1906 HD1, are vulnerable in their professions,

just like the other protected classes, and should be afforded the additional security that HRS § 707-711 provides.

While cases of assault and violence against employees of Kaiser Permanente Hawai'i do not occur to the same frequency when compared to some of the other hospitals and clinics in the state, we have had many incidents, some of which are quite severe. These incidents have had a direct and indirect effects on our employees' health, morale, and well-being.

We urge the committee to PASS this HB1906 HD1. Mahalo for your consideration of this important measure.



**Testimony to the House Committee on Judiciary
Thursday, March 1, 2018; 2:00 p.m.
State Capitol, Conference Room 325**

RE: SUPPORTING HOUSE BILL NO. 1906, HOUSE DRAFT 1, RELATING TO HEALTH CARE WORKERS.

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1906, House Draft 1, RELATING TO HEALTH CARE WORKERS.

The bill, as received by your Committee, would:

- (1) Clarify the offense of assault in the second degree to include a person who intentionally or knowingly causes bodily injury to a person who is either:
 - (A) Engaged in the performance of duty at a health care facility;
 - (B) Engaged in providing home health services as defined in Section 431:10H-201, Hawaii Revised Statutes (HRS); or
 - (C) Employed or contracted to work by a mutual benefit society who provides case management services to an individual in a hospital, in a health care provider's office, in the home, or in any other setting while that person is engaged in the performance of those services;

[NOTE: The penalty for assault in the second degree is a Class C felony.]

- (2) Clarify that a person engaged in the performance of duty at a health care facility include health care professionals defined in Section 451D-2, HRS, administrators, students, volunteers, and any other workers who support the functions of the health care facility;

[NOTE: HRS §451D-2 defines "health care professional to include "physicians and surgeons and others licensed pursuant to chapter 453, podiatrists licensed pursuant to chapter 463E, dentists licensed pursuant to chapter 448, psychologists licensed pursuant to chapter 465, nurses licensed pursuant to chapter 457, veterinarians licensed pursuant to chapter 471, acupuncturists licensed pursuant to chapter 436E, massage therapists licensed pursuant to chapter 452, naturopathic physicians licensed pursuant to chapter 455, chiropractors licensed pursuant to chapter 442, and pharmacists licensed pursuant to chapter 461.]

- (3) Provide a savings clause that ensures that the Act not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date; and
- (4) Take effect on January 1, 2050.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

As employers, FQHCs have an obligation to ensure the health, welfare, and safety of their employees, volunteers, patients, and patients' friends and family who accompany or visit patients at FQHC facilities. To the extent that this measure serves as a deterrent to violence perpetrated against health care workers, HPCA wholeheartedly supports this effort.

Yet, it should also be noted that when violence is committed against a health care professional, especially when it occurs at a health care facility, a crime is committed not only against the individual, but against all of society. When persons go to a health care professional, it is when that person is most vulnerable -- he or she is sick, or injured, or stressed from concern over a loved one. These places have long been held as sanctuary. During war, hospitals were marked on their rooftops with red crosses so that they would not be bombed.

When violence is committed against a health care professional or at a health care facility, it harms all of society. It causes sick or injured persons to hesitate before seeking help, which might exacerbate their condition. It also dissuades persons from entering the field of health care. At a time when Hawaii is facing unprecedented shortages in physicians, nurses, specialists, and other health care professionals, especially in rural areas, incidents of violence against health care professionals or at health care facilities may likely cause youths to consider other fields for future employment.

Testimony on House Bill No. 1906, House Draft 1
Thursday, March 1, 2018; 2:00 p.m.
Page 3

HPCA notes that Section 706-662, HRS, provides criteria for extended terms of imprisonment for persons already convicted of certain crimes. Once a person is convicted of a crime, that person arguably does not have the same rights and privileges afforded to a normal citizen. From a public policy standpoint, this Legislature has already held that in certain circumstances, when a person is convicted of a crime that is deemed egregious and especially heinous, such as a hate crime or when the victim is elderly, or handicapped, the judge is authorized to sentence the person convicted to a longer sentence. In this way, justice is served by acknowledging that such actions harm all of society and are thus deserving of a more severe punishment.

In advance, thank you for your consideration of our testimony.

HB-1906-HD-1

Submitted on: 2/27/2018 8:14:14 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

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

Comments:

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

Tracy S. Aruga / Safety Officer

As one of the over 1,300 health workers in the East Hawaii Region of Hawaii Health Systems Corporation, I would like submit my support for HB1906 HD1, relating to health care workers that makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. This bill would increase protections for me and my fellow healthcare workers at our hospitals in Hilo, Honokaa and Kau, including our ten outpatient clinics.

This healthcare worker protection bill is needed because of the high rates of violence against healthcare workers across the nation, and the growing problem of violence against these workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides.

There are rising rates of assault and violence against healthcare workers in Hawaii. At Hilo Medical Center, the largest hospital on Hawaii Island, 20 incidents of assault were against our employees in the last year. Of these incidents, 95% of the assaults were carried out by patients resulting in a total cost of \$400,000 to our facility.

These are not just numbers—there are real stories behind these assaults. The current system is simply not working. This legislation would rightfully recognize the risks that healthcare employees face just going to work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. HB1906 HD1 will help our healthcare workers feel better protected while they carry out the work of taking care of members of our community. Please help us protect our workers.

Thank you for your consideration of this measure.

HB-1906-HD-1

Submitted on: 2/28/2018 7:07:55 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Abdul	HMC	Support	No

Comments:

HB-1906-HD-1

Submitted on: 2/28/2018 7:22:22 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rynella Pasco	Individual	Support	No

Comments:

I believe healthcare workers should be protected in some way. We have seen an increase of assault by patients who only get a "slap on the wrist". They should be held accountable for their actions. A misdemeanor is not enough punishment for assaulting someone who is trying to help them. No one should have to worry about being assaulted in their workplace when they are just doing their job.

HB-1906-HD-1

Submitted on: 2/28/2018 8:08:07 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Matthews	Individual	Support	No

Comments:

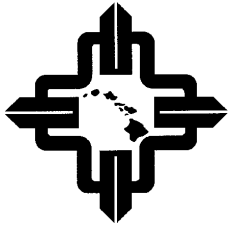
Aloha,

I have been a Registered Nurse for over 18 years. I have spent most of that time in the Emergency Department. As such, we see the sickest of patients suffering acute heart attacks, strokes, life threatening traumas, etc. While trying to save lives, we also are forced to be in close contact with individuals who are having acute psychotic outbreaks, under the influence of drugs and alcohol, suffering misplaced bereavement, perpetrators of crimes, etc. These individuals may be difficult to reason with, are often highly agitated, and direct their anger/confusion on the healthcare workers who are there trying to save lives. Nearly every healthcare worker I have worked with has at one time or another in their career been the victim of needless violence.

I strongly believe that laws must be in place to protect our healthcare workforce. In a day where our society is becoming increasingly violent, it is of the utmost importance that we protect our nurses and doctors who are unable to protect themselves in a hospital environment against needless violence. Healthcare workers are facing alarming rates of burn-out and turning to other careers. I believe this measure could show our nurses and doctors that they are valued and we won't allow them to be victims of crimes that go either unpunished or with minimal punishment. While harsher penalties will not stop all violence against healthcare workers, it may make some individuals think twice before assaulting nurses and doctors.

I urge you to please give your full support to HB 1906 HD 1. Let's be a part of the cure to stop the senseless violence against healthcare workers.

Thank you for your support.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

House Committee on Judiciary
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

March 1, 2018
Conference Room 325
2:00 p.m.
Hawaii State Capitol

**Testimony Supporting House Bill 1906, HD1 Relating to Health Care Workers.
Makes intentionally or knowingly causing bodily injury to certain health care
worker a Class C felony.**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

As CEO of the Hawaii Health Systems Corporation (HHSC) I am testifying on behalf of the Corporate Board of Directors and all of the HHSC regions. HHSC's employees are essential to our mission to provide accessible, high quality, cost-effective services that address the healthcare needs of Hawaii's unique island communities. Our concern for our employees' welfare and safety, along with all healthcare workers in our community, is expressed in our **strong support** for HB 1906, HD1.

As noted in this year's Annual Report to the Legislature HHSC's facilities provide a substantial portion of the healthcare across the state in a variety of settings. In Fiscal Year 2017, HHSC hospitals provided 22,253 acute care admissions, 605 long-term admissions and 121,290 emergency room visits in addition to outpatient services with a total workforce of 4,133 full time personnel. Each employee deserves our full effort to protect them. This measure alone will not solve the problem of increasing violence in healthcare settings but along with other strategies shows our commitment to increase safety for our employees, and by doing so, assure high quality care for our patients.

Thank you for the opportunity to testify on this important measure.

HB-1906-HD-1

Submitted on: 2/28/2018 8:39:30 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Tulang	Individual	Support	No

Comments:

HB-1906-HD-1

Submitted on: 2/28/2018 9:07:26 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Ranan	Hilo Medical Center	Support	No

Comments:

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Thursday, March 1, 2018
2:00 p.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 1906, H.D. 1, RELATING TO HEALTH CARE WORKERS.

TO THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, and I am the Executive Officer of the Board of Nursing (“Board”). Thank you for the opportunity to submit written testimony on H.B. 1906, H.D. 1, Relating to Health Care Workers. I apologize for not attending today’s hearing, as I have a Board of Nursing meeting scheduled at that time. The Board supports this bill, which is a companion to S.B. 2491.

This measure makes it a Class C felony for intentionally or knowingly causing bodily injury to a health care worker.

According to an article by the U.S. News & World Report¹, nurses and other health care workers increasingly face physical assaults and injuries, often from the patients they are trying to help. Physical abuse, such as scratching, biting, and pushing, by adult patients takes health care workers away from their assignments, as they may become patients themselves. In addition, the emotional effect of physical abuse may impact the health care worker’s performance and prevent the performance of duties, thereby adversely affecting the provision of health care services. This measure would help make health care workers feel safer and reduce the threat of violence against them.

Thank you for the opportunity to submit written testimony on H.B. 1906, H.D. 1.

¹ Lisa Esposito, *Nurses Face More Violence from Hospital Patients*, U.S. News & World Report, Jan. 18, 2017, <https://health.usnews.com/wellness/articles/2017-01-18/nurses-face-more-violence-from-hospital-patients>.

My name is Kelly Okada, I'm a nurse manager at Hilo Medical Center and I'm providing testimony on HB 1906 on behalf of all nurses, nurse aides and healthcare professionals. These are my colleagues, teammates and friends and I feel it is my duty to speak on their behalf. We promote and restore health, prevent illness, and protect the people entrusted to our care. Who protects us? I ask you this because I am a victim of assault in my workplace. I was physically assaulted according to the guidelines set forth in this bill on 2 separate occasions by 2 different patients. I, and many healthcare workers are already assaulted countless times by those who are not in their right state of mind. The silent culture of nursing has traditionally are expected to accept the abuse "as part of the job". Early in my career I was assaulted by a patient on a general ward. Upon my return to work 2 days later I experienced severe anxiety, yet because my patients depended upon me, I remained at work on the same floor that the assailant was still housed in. He was not arrested or charged and I was the one who felt like I was in jail. With my second incident I was punched in the chest and verbally threatened, and at that time was told by the police officer that the patient had a right to be in the hospital so I couldn't file a complaint or obtain a TRO.

Why is it a felony to assault a healthcare worker in the Emergency Department but not on the general floors? The ED is most times staffed with security personnel while the floors are not. The floors are predominantly staffed with female healthcare workers. Healthcare workers face verbal abuse on a daily basis which is not acceptable. Physical abuse of healthcare workers who are attempting to help you is absolutely unacceptable and can no longer be tolerated. Other states have had healthcare workers seriously injured or murdered, it is happening now! We need to be proactive and demonstrate that assaults against healthcare workers are a crime and we will no longer remain silent. Are healthcare staff lesser people who should accept abuse as part of their job?! What other "white collar" job requires that you take a de-escalation and self-defense class upon your hire? I ask you to please support those whose job it is to help you in your time of need, for those who are just doing their jobs and being injured for it.

**TESTIMONY IN SUPPORT
HOUSE BILL 1906 HD1
RELATING TO HEALTHCARE WORKERS**

by

Stephen A. Kula, PhD, NHA
President and CEO
Legacy of Life Hawaii

House Committee on Judiciary
Chair Scott Y. Nishimoto
Vice Chair Joy A. San Buenaventura

Tuesday, March 1, 2018; 2:00 PM
State Capitol, Conference Room 325

Chair Nishimoto and Vice Chair San Buenaventura and members of the House Committee on Judiciary:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of HB 1906 HD1, to increase protections of vulnerable healthcare workers.

Currently, licensed healthcare workers in the emergency room are protected under law, but all other healthcare workers are not. Legacy of Life Hawaii supports the requirement that all healthcare workers be afforded the security that his law provides.

For 30 years Legacy of Life Hawaii has been saving lives through the generosity of organ and tissue donors who have given the gift of life so others may live. As the only federally designated organ procurement organization (OPO) in Hawaii, Legacy of Life Hawaii employs a clinical team that partners with acute and critical care hospitals on the care and support of potential organ/tissue donors. Together they form a team that

includes nurses, physicians, advanced practitioners, social workers, and other healthcare professionals, all working toward a common goal to provide comfort to grieving families while maintaining hope that another life can be saved as an outcome. These employees are trained to manage aggression and violence prevention, but they should not have to be afraid to do their work.

This legislation would rightfully recognize the risks that healthcare employees face at work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. This legislation is also important because it will help us to increase morale and retain talented employees, especially amid a shortage in our medical workforce. Further, all members of the community can also feel safer when seeking essential health services in facilities. Importantly, this legislation only applies to those who intentionally or knowingly assault a healthcare worker. Individuals with mental illness will not be penalized by this legislation.

This legislation will help healthcare workers feel better protected while they carry out the work of taking care of members of our community. I, therefore, urge this committee to give HB 1906 HD1 your favorable consideration. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.

HB-1906-HD-1

Submitted on: 2/28/2018 11:16:52 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Kutzer	Hawaii Nurses Association, OPEIU local 50	Support	No

Comments:

Dear Members of the House Committee on Judiciary,

My name is Joan Kutzer. I am a Registered Nurse and a member of the Hawaii Nurses Association Board of Directors. Hawaii Nurses Association is in strong support of HB 1906. There have been horrific cases of violence against nurses in the news nationwide in the last few years. The incidence of threats and violence is on the rise. A February 1, 2018 article in Medscape discussed the shocking prevalence of sexual harassment, inappropriate communication, as well as physical threats to Healthcare providers.

Sincerely yours,

Joan Kutzer, RN, Hawaii Nurses Association



An Independent Licensee of the Blue Cross and Blue Shield Association

March 1, 2018

The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. Buenaventura, Vice Chair
House Committee on Judiciary

Re: HB 1906, HD1 – Relating to Health Care Workers

Dear Chair Nishimoto, Vice Chair Buenaventura, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1906, HD1, which makes intentionally or knowingly causing bodily injury to certain health care workers a Class C felony.

HMSA supports the of intent of this measure, to extend protection to certain health care workers to the same degree as other existing protected classes vulnerable to attack.

Thank you for allowing us to testify on HB 1906, HD1.

Sincerely,

Pono Chong
Vice-President, Government Relations

Thursday, March 1, 2018; 2:00 p.m.
Conference Room 325

House Committee on Judiciary

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

From: Gail Lerch
Executive Vice President of Human Resources & Organizational Effectiveness

Re: HB 1906, HD1 – Testimony in Support

My name is Gail Lerch, and I am the Executive Vice President of Human Resources & Organizational Effectiveness for Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care. Its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox – specialize in innovative programs in women's health, pediatric care, cardiovascular services, cancer care, bone and joint services and more. Hawai'i Pacific Health is recognized nationally for its excellence in patient care and the use of electronic health records to improve quality and patient safety.

HPH supports HB 1906, HD1 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 engaged in the performance of their duties at a health care facility, or to a person who is engaged in providing home health care services, or to a person employed by or contracted to work by a mutual benefit society who provides case management services to an individual in the home or hospital.

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. This in turn would encourage individuals to seek professions in the health care field as well as retain those professionals already in the field.

Thank you for the opportunity to provide this testimony.

HB-1906-HD-1

Submitted on: 2/28/2018 12:56:03 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keith McCloskey	Fresenius Dialysis	Support	No

Comments:

Please pass this bill, its important that health care workers have protection. I speak from 20 years experience as a Nurse in Hawaii.

Mahalo

Keith W. McCloskey BSN, RN, CNN

HB-1906-HD-1

Submitted on: 2/28/2018 1:24:55 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chelsea Valiente	Individual	Support	Yes

Comments:

My name is Chelsea Valiente and I am a registered nurse here in the state of Hawaii. I am in strong support of SB2491 because I know what it is like to be in a dangerous work environment. Day in and day out we, healthcare workers, around the world place ourselves at great risk when caring for others. At times these assaults on healthcare workers are done intentionally and should be punishable by a class C felony. Please help to protect the people that serve our community by passing SB2491. Thank you.

Respectfully Yours,

Chelsea Valiente, BSN, RN



HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Rona Amara / Purchasing

As one of the over 1,300 health workers in the East Hawaii Region of Hawaii Health Systems Corporation, I would like submit my **support for HB1906 HD1**, relating to health care workers that makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. This bill would increase protections for me and my fellow healthcare workers at our hospitals in Hilo, Honokaa and Kau, including our ten outpatient clinics.

This healthcare worker protection bill is needed because of the high rates of violence against healthcare workers across the nation, and the growing problem of violence against these workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides.

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Hale Ho'ola Hamakua
"A Haven of Healing and Continued Health in Hilo"



Yukio Okutsu
Veterans Home

HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE BRIAN EBANEZ STORES PERK II

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NAME/TITLE Neal Z Abregano CS Tech II

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE DARLENE MENDONCA STOREKEEPER 1

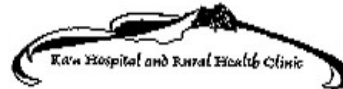
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE V. Bourgeois / Spokesperson I.

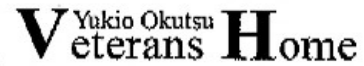
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE CANDACE WALKER | PROCUREMENT SPECIALIST II

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Paul G. Herndon / Stores Keeper II

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

 NAME/TITLE Christine Takahashi / RN

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Charis Wilson / Clerk

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Leilani Dupre, Credentials Coordinator

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Sherry Damant RN - Quality Manager

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Testimony in Support of **HB1901 HD1** Relating to Healthcare WorkersNAME/TITLE June M Ikeda Secretary

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Rachele Halliday - RN

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Alfredo Mathews RN

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NAME/TITLE Kristine MacCannoo, statistics clerk

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 NAME/TITLE Alfonso Barua Enfermero IV

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HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

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NAME/TITLE Victor Bochkarev, MD

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NAME/TITLE Mililani Tak-Batti, FM Resident

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Nadia Schlosser, RN

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Miki Cain, Pediatrics

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Dan Hak MD

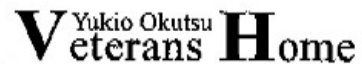
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Mila Salvador, RN - Mila Salvador

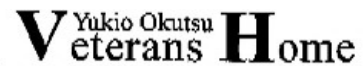
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Jarett Morales RPN III

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE CHASCI LUI, RN

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Testimony in Support of **HB1906 HD1** Relating to Healthcare Workers

NAME/TITLE

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NAME/TITLE Reitchel Boyd RN

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NAME/TITLE Cherise Patel, RN

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NAME/TITLE Rose Letuli / CNA / Kau Hilo

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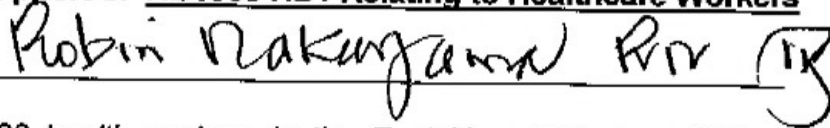
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NAME/TITLE

Robin Nakagawa RN 

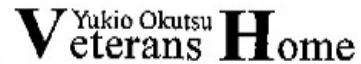
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Testimony in Support of **HB1906 HD1 Relating to Healthcare Workers**

NAME/TITLE Suzanne Hunt RN

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Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Trudy Erece, RN

As one of the over 1,300 health workers in the East Hawaii Region of Hawaii Health Systems Corporation, I would like submit my **support for HB1906 HD1**, relating to health care workers that makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. This bill would increase protections for me and my fellow healthcare workers at our hospitals in Hilo, Honokaa and Kau, including our ten outpatient clinics.

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NAME/TITLE JOSEPHINE N. DUERKSEN / Admin transporter

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Marisa Misch / CNA

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Yukio Okutsu
Veterans Home

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NAME/TITLE ROBERT FARRELL CA-1A Surgeon

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NAME/TITLE

Gina Zamudio

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Maria Minerva S. Allack, RN

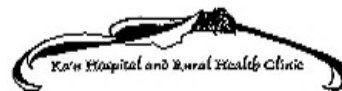
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Michelle Graves, Clerk IV

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Violet Pola-Kahuka, Student Nurse

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NAME/TITLE Dennis Kuznetsov  Nursing Student

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NAME/TITLE

Leiana Schabell RN/YS

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NAME/TITLE Princess Gaobiran / Student Nurse

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NAME/TITLE Jacqueline Sanders

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 NAME/TITLE Leah Carrero Linn Student nurse

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NAME/TITLE ERICK CREMA STENOGRAPHER

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NAME/TITLE Florielee A. Paz / HawCC student nurse

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NAME/TITLE Brandon Upno / Student

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Jasmine Higa / LPN

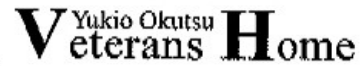
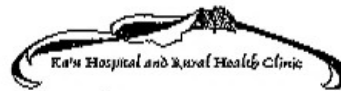
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HAWAII HEALTH SYSTEMS CORPORATION

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Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Michael Froebel R.N.

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NAME/TITLE Jennifer Shinde RN

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NAME/TITLE Gregg Davis / Pharmacist

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NAME/TITLE Brica Talbert RN Clinical Analyst

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NAME/TITLE: CURT S. FUKUMORI, RN

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NAME/TITLE

Kris Wilson Chief Information Officer

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

 NAME/TITLE MARK A. WINTERS / IT MANAGER

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NAME/TITLE Lehuanani Angau, Tech. Services Clerk.

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

 NAME/TITLE James M. Baker - Project Carnation

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 NAME/TITLE Angela Flores / Clerk IV

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NAME/TITLE Cheri Eisenber RHA RPN-TII

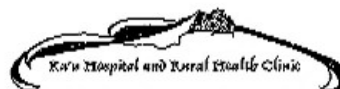
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NAME/TITLE Tarei Rowe Info Tech Spec. IV

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NAME/TITLE Amy Waldman Clinical Analyst

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NAME/TITLE Jean Waters / IT Specialist

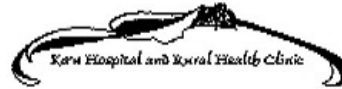
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NAME/TITLE Tray Takata IT Analyst

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PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Edna Macanas - IOS III

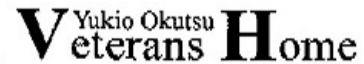
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This healthcare worker protection bill is needed because of the high rates of violence against healthcare workers across the nation, and the growing problem of violence against these workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides.

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Thank you for your consideration of this measure.



HAWAII HEALTH SYSTEMS CORPORATION

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Rep. Joy A. San Buenaventura, Vice Chair

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE LAWRENCE BYNG / ISS V

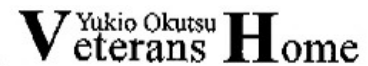
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Samantha Karasiewicz, ISS

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Kia Hansen / Information Systems Specialist

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HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 28, 2018

TIME: 10:30 a.m.

PLACE: Conference Room 211
State Capitol
415 South Beretania Street

Testimony in Support of SB 1235

related to health that appropriates funds to improve the health care services related to cardiac care at Hilo Medical Center.

(Name/Title) Taylor Handa / SPD

I would like to thank the committee for the opportunity to **support SB 1235** that appropriates funds to improve the health care services related to cardiac care at Hilo Medical Center.

This funding gives our hospital the opportunity to provide interventional cardiac care for East Hawaii and potentially for all of Hawaii Island. This procedure stops heart attacks in progress and reduces long term cardiac disability. The American College of Cardiology recommends interventional cardiac care as a best practice for treating heart attacks in rural areas like Hawaii Island.

Hilo Medical Center is well positioned to provide interventional cardiac care as it already has available cardiac imaging equipment and software, as well as a cardiology clinic that has space for three cardiologists. The requested funding would provide for recruiting and employing additional interventional cardiologists, training for staff, and the purchase of medical equipment for the Cardiac Catheterization Lab and Intensive Care Unit.

This funding is essential for Hilo Medical Center to provide interventional cardiology for heart attack treatment that saves lives and improves the quality of life for cardiac patients.

Again, mahalo for the opportunity to express my **support for SB 1235** to improve cardiac care at Hilo Medical Center.



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(Name/Title) Derek Kiyotsuka / Sterile Processing Dept.

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(Name/Title) SHAUN TAKAHARA / STERILE PROCESSING

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Hale Ho'ola Hamakua
A House of Healing and Continued Health in Hamakua



Yukio Okutsu
Veterans Home

HAWAII HEALTH SYSTEMS CORPORATION

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NOTICE OF HEARING

DATE: Thursday, March 1, 2018

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415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Christina Roman, RN

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Yvonne Wang RN

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Testimony in Support of SB 1235
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(Name/Title) Erica Taubert RN, BSN Clinical Analyst

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(Name/Title) Amy Thelma Info Tech Specialist IV

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DATE: Thursday, March 1, 2018
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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Elizabeth Valdez / UAS

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Testimony in Support of **HB1906 HD1** Relating to Healthcare WorkersNAME/TITLE Chad Shibuya, RN

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Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE Danette Vincent Tech II

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408 - 586 - 8214



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NAME/TITLE Anne Miranda Tech II

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Testimony in Support of HB1901 HD1 Relating to Healthcare Workers

NAME/TITLE Marie Bourcier / Clerk IV

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1190 Waiianuenu Avenue • Hilo, Hawaii 96720 • Phone (808) 932-3101 • Fax (808) 974-4746

LATE

HB-1906-HD-1

Submitted on: 2/28/2018 4:20:40 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Ma'e	Individual	Support	No

Comments:

[COMMITTEE ON JUDICIARY](#)

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NAME/TITLE_Ashley Ma'e, RN

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These are not just numbers—there are real stories behind these assaults. The current system is simply not working. This legislation would rightfully recognize the risks that healthcare employees face just going to work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. **HB1906 HD1** will help our healthcare workers feel better protected while they carry out the work of taking care of members of our community. Please help us protect our workers.

Thank you for your consideration of this measure.

LATE

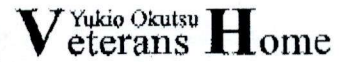
HB-1906-HD-1

Submitted on: 2/28/2018 6:33:34 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher D. Flanders, D.O.	Hawaii Medical Association	Support	Yes

Comments:



HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON JUDICIARY
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

LATE

NOTICE OF HEARING

DATE: Thursday, March 1, 2018
TIME: 2 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE: Gale Juniwai Yagui RN

As one of the over 1,300 health workers in the East Hawaii Region of Hawaii Health Systems Corporation, I would like submit my **support for HB1906 HD1**, relating to health care workers that makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. This bill would increase protections for me and my fellow healthcare workers at our hospitals in Hilo, Honokaa and Kau, including our ten outpatient clinics.

This healthcare worker protection bill is needed because of the high rates of violence against healthcare workers across the nation, and the growing problem of violence against these workers in Hawaii. Healthcare workers are vulnerable in their professions, just like the other protected classes, and should be afforded the security that this law provides.

There are rising rates of assault and violence against healthcare workers in Hawaii. At Hilo Medical Center, the largest hospital on Hawaii Island, 20 incidents of assault were against our employees in the last year. Of these incidents, 95% of the assaults were carried out by patients resulting in a total cost of \$400,000 to our facility.

These are not just numbers—there are real stories behind these assaults. The current system is simply not working. This legislation would rightfully recognize the risks that healthcare employees face just going to work. There are several classes of workers that are protected under Hawaii state law, including workers in prisons or emergency medical service technicians. We believe that the threats, intimidation and assaults that our healthcare workers face every day qualifies them to be included in this group. **HB1906 HD1** will help our healthcare workers feel better protected while they carry out the work of taking care of members of our community. Please help us protect our workers.

Thank you for your consideration of this measure.



HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

LATE

NOTICE OF HEARING

DATE: Thursday, March 1, 2018

TIME: 2 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Testimony in Support of HB1906 HD1 Relating to Healthcare Workers

NAME/TITLE

Solo J. Beren RN

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Thank you for your consideration of this measure.

1190 Waiianuenue Avenue • Hilo, Hawaii 96720 • Phone (808) 932-3101 • Fax (808) 974-4746

LATE

HB-1906-HD-1

Submitted on: 3/1/2018 12:11:38 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keoki Medeiros	Individual	Support	No

Comments:

Aloha,

My name is Keoki Medeiros and I am a registered nurse at Queens Medical Center. I have been a RN for 8 years working in the emergency and psych field. I am writing in support of HB1906. To many times have I been punched, kicked, and spit at when attempting to deliver medical care. Please help protect us so that we can continue to do our job in a safe work place environment. Mahalo for your time.

LATE

HB-1906-HD-1

Submitted on: 3/1/2018 12:33:42 PM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Choon James	CountryTalkStory.com	Support	Yes

Comments:

STRONGLY SUPPORT HB 1906

We are grateful that we have residents who are engaged in these professional areas that require skill and also resilience. They deserve all necessary support so they can work in an efficient and safe environment.

Mahalo,

Choon James