

HB 1906

**RELATING TO
HEALTH CARE
WORKERS**

A BILL FOR AN ACT

RELATING TO HEALTH CARE WORKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The rates of assault and violence against
2 health care workers in Hawaii are rising. A 2017 survey of
3 hospitals, nursing homes, and home health care agencies, found a
4 record number of one thousand seventy-five incidents of assault
5 against workers in those establishments and home health care
6 workers in patients' homes. In thirty-nine per cent of those
7 cases, the local police department was contacted, with the
8 remainder being handled by the establishment's security
9 department.

10 The average costs incurred by hospitals for incidents
11 relating to violence against their health care workers amounted
12 to \$258,000 per year. These costs include worker's compensation
13 benefits costs, direct medical expenses, time off from work for
14 recovery, and absenteeism costs. However, it is likely that
15 this cost estimate is vastly underreported, in large part
16 because of the difficulty in tracking the full costs for each
17 individual who faced violence in the workplace and for their



1 family. The American Hospital Association found that hospitals
2 nationally spend \$4,700,000,000 a year to provide security at
3 their facilities. According to the American Hospital
4 Association report, hospitals also spend annually:

- 5 (1) \$175,000,000 training health care staff in violence
6 prevention and de-escalation;
- 7 (2) \$98,000,000 developing a violence prevention plan;
- 8 (3) \$42,000,000 on medical care and compensation for lost
9 wages; and
- 10 (4) \$91,000,000 in disability and absenteeism costs.

11 These amounts for annual costs do not include or account for the
12 financial and emotional toll that assaults take on the
13 individuals impacted and on the family members of these
14 employees.

15 Between 2005 and 2014, reported rates of workplace violence
16 in private hospitals increased by one hundred ten per cent
17 nationally. A 2014 study found that seventy-six per cent of
18 nurses were subject to violence or abuse over the course of a
19 year. The same study found that, of the nurses who experienced
20 violence or abuse in a year, most faced verbal abuse. However,
21 almost a quarter of that group faced physical violence.



1 Being subjected to violence or abuse does not only affect
2 nurses. Health care professionals, including physicians,
3 physician assistants, allied health professionals, aides, home
4 health care workers, and even volunteers, are at risk of
5 violence from patients and visitors. According to the Bureau of
6 Labor Statistics, the rates of nonfatal workplace violence
7 against health care workers are from five to ten times higher
8 than for workers overall. The rate of nonfatal workplace
9 violence against all workers was 2.8 incidents per ten thousand
10 workers. For hospital workers, the rate was 14.7 incidents per
11 ten thousand workers and for nursing and residential workers,
12 the rate was an astonishing 35.3 incidents per ten thousand
13 workers.

14 Like other existing protected classes, health care workers
15 are particularly vulnerable to attack. Hospitals, nursing
16 homes, and other facilities are generally public spaces where
17 almost anyone can enter. Home health care workers and case
18 managers are particularly at-risk because they typically enter a
19 patient's home without backup or security of any kind. The lack
20 of current protections for health care workers exposed to abuse
21 and violence is having a debilitating impact on health care



1 workers. Providing sufficient protections in the law will help
2 to improve the morale of the health care workforce and retain
3 health care workers in an employment sector that is experiencing
4 shortages due to a very competitive labor market.

5 Ensuring the safety of the health care workforce is not
6 only important for employees, but also important for everyone
7 who needs the services of the health care workforce. Any
8 facility, institution, or health care setting should be a safe
9 environment for everyone in the community, patients, visitors,
10 and health care workers alike.

11 All health care workers should be included in the
12 protections currently afforded to other workers who are
13 vulnerable to attack, not just those in the emergency room.
14 Currently, the charge for assaulting a health care worker in
15 Hawaii is a misdemeanor, which often means that perpetrators do
16 not receive a satisfactory penalty, if any at all. If the
17 potential charge is a felony, then attacks against health care
18 workers will be taken more seriously. Classifying attacks on
19 health care workers as assault in the second degree will bring
20 parity under the law for this vulnerable class and protect all
21 health care workers as emergency service workers are protected.



1 The legislature finds that extending protections for health
2 care workers is in the best interest of the community, and will
3 assist in retaining needed health care professionals and provide
4 needed protections for vulnerable employees. Further, by
5 including health care workers in the current statute relating to
6 the offense of assault in the second degree, ensures that only
7 those individuals who are capable of forming an intent to cause
8 substantial bodily injury to a health care worker are included.
9 Notably, eight other states consider assault against any
10 healthcare worker a felony.

11 SECTION 2. Section 707-711, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "**§707-711 Assault in the second degree.** (1) A person
14 commits the offense of assault in the second degree if:

15 (a) The person intentionally, knowingly, or recklessly
16 causes substantial bodily injury to another;

17 (b) The person recklessly causes serious bodily injury to
18 another;

19 (c) The person intentionally or knowingly causes bodily
20 injury to a correctional worker, as defined in section



1 710-1031(2), who is engaged in the performance of duty
2 or who is within a correctional facility;

3 (d) The person intentionally or knowingly causes bodily
4 injury to another with a dangerous instrument;

5 (e) The person intentionally or knowingly causes bodily
6 injury to an educational worker who is engaged in the
7 performance of duty or who is within an educational
8 facility. For the purposes of this paragraph,
9 "educational worker" means any administrator,
10 specialist, counselor, teacher, or employee of the
11 department of education or an employee of a charter
12 school; a person who is a volunteer, as defined in
13 section 90-1, in a school program, activity, or
14 function that is established, sanctioned, or approved
15 by the department of education; or a person hired by
16 the department of education on a contractual basis and
17 engaged in carrying out an educational function;

18 (f) The person intentionally or knowingly causes bodily
19 injury to any emergency medical services provider who
20 is engaged in the performance of duty. For the
21 purposes of this paragraph, "emergency medical



1 services provider" means emergency medical services
2 personnel, as defined in section 321-222, and
3 physicians, physician's assistants, nurses, nurse
4 practitioners, certified registered nurse
5 anesthetists, respiratory therapists, laboratory
6 technicians, radiology technicians, and social
7 workers, providing services in the emergency room of a
8 hospital;

9 (g) The person intentionally or knowingly causes bodily
10 injury to a person employed at a state-operated or
11 -contracted mental health facility. For the purposes
12 of this paragraph, "a person employed at a state-
13 operated or -contracted mental health facility"
14 includes health care professionals as defined in
15 section 451D-2, administrators, orderlies, security
16 personnel, volunteers, and any other person who is
17 engaged in the performance of a duty at a state-
18 operated or -contracted mental health facility;

19 (h) The person intentionally or knowingly causes bodily
20 injury to a person who:



- 1 (i) The defendant has been restrained from, by order
2 of any court, including an ex parte order,
3 contacting, threatening, or physically abusing
4 pursuant to chapter 586; or
- 5 (ii) Is being protected by a police officer ordering
6 the defendant to leave the premises of that
7 protected person pursuant to section 709-906(4),
8 during the effective period of that order; [~~or~~]
- 9 (i) The person intentionally or knowingly causes bodily
10 injury to any firefighter or water safety officer who
11 is engaged in the performance of duty. For the
12 purposes of this paragraph, "firefighter" has the same
13 meaning as in section 710-1012 and "water safety
14 officer" means any public servant employed by the
15 United States, the State, or any county as a lifeguard
16 or person authorized to conduct water rescue or ocean
17 safety functions[-];
- 18 (j) The person intentionally or knowingly causes bodily
19 injury to a person who is engaged in the performance
20 of duty at a health care facility as defined in
21 section 323D-2. For purposes of this paragraph, "a



1 person who is engaged in the performance of duty at a
 2 health care facility" shall include health care
 3 professionals as defined in section 451D-2,
 4 administrators, students, volunteers, and any other
 5 workers who support the functions of the health care
 6 facility;

7 (k) The person intentionally or knowingly causes bodily
 8 injury to a person who is engaged in providing home
 9 health care services, as defined in section 431:10H-
 10 201; or

11 (l) The person intentionally or knowingly causes bodily
 12 injury to a person employed or contracted to work by a
 13 mutual benefit society, as defined in section 432:1-
 14 104, who provides case management services to an
 15 individual in a hospital or in the home who is engaged
 16 in the performance of duty."

17 SECTION 3. This Act does not affect rights and duties that
 18 matured, penalties that were incurred, and proceedings that were
 19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



H.B. NO. 1906

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

John M. G. ...
...

Or

Brid Kobyak

Cindy Evans

JAN 18 2018



H.B. NO. 1906

Report Title:

Health Care Worker; Intentionally Cause Bodily Injury; Felony
Penalty

Description:

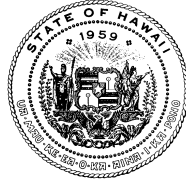
Makes intentionally or knowingly causing bodily injury to a
health care worker a Class C felony.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*



HB 1906

TESTIMONY



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

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

REP. AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON LABOR

REP. JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

Hearing Date: February 13, 2018

Room Number: 329

- 1 **Fiscal Implications:** N/A.
- 2 **Department Testimony:** The Department of Health supports the intent of HB1906, which is to
- 3 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 will benefit the Department of Health both as an employer and provider
- 9 of care.
- 10 **Offered Amendments:** N/A.



February 13, 2018 at 8:45 AM
Conference Room 329

House Committee on Labor and Public Employment
House Committee on Health and Human Services

To: Chair Aaron Ling Johanson
Vice Chair Daniel Holt

Chair John M. Mizuno
Vice Chair Bertrand Kobayashi

From: Hilton Raethel
President and CEO
Healthcare Association of Hawaii

Re: Testimony in Support
HB 1906, 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 committees for the opportunity to **support** HB 1906, 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 workers. 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.



**February 13, 2018 at 8:45 a.m.
Conference Room 329**

**House Committee on Labor and Public Employment
House Committee on Health and Human Services**

To: Chair Aaron Ling Johanson
Vice Chair Daniel Holt

Chair John M. Mizuno
Vice Chair Bertrand Kobayashi

From: Amy Thomas, MSN, APRN, FNP
Past President – American Organization of Nurse Executives (AONE), Hawai'i

**Re: Testimony In Support
HB 1906, Relating to Health Care Workers**

The American Organization of Nurse Executives (AONE), founded in 1967, is a national organization of nurses who design, facilitate, and manage care and has more than 8,700 members nationally. AONE provides leadership, professional development, advocacy and research in its effort to advance the nursing profession and patient care, promotes nursing leadership excellence, and shapes health care public policy. The AONE Hawaii Chapter is a local constituent of AONE national, with over 150 nursing leaders as members from across the State of Hawai'i. AONE Hawai'i Chapter would like to express strong support of HB 1906 which makes intentionally knowingly causing bodily injury to a health care worker a Class C felony.

All health care and human services professionals today face a significant increase in the number of job related violent incidents while performing their required duties as 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 to our nursing leadership organization. Additionally, at our hospitals, long term care facilities, home care settings and other care facilities health care staff have been experiencing an increase in encounters with violent patients. Passage of this bill will help to deter assaults and provide a safer environment for all medical service workers. Therefore, we are in support of HB 1906.

Thank you for the opportunity to provide this testimony and for your consideration of this measure.

Testimony of
Jonathan Ching
Government Relations Specialist

Before:
House Committee on Labor & Public Employment
The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair

House Committee on Health & Human Services
The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair

February 13, 2018
8:45 a.m.
Conference Room 329

Re: HB1906 Relating to Health Care Workers

Chairs, Vice Chairs, and committee members, thank you for this opportunity to provide testimony on HB1906, which expands protections for healthcare workers from assaults.

Kaiser Permanente Hawai'i SUPPORTS HB1906.

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, 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 committees to PASS this HB1906. Mahalo for your consideration of this important measure.



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 Labor and Public Employment
Committee on Health and Human Services

Testimony by
Hawaii Government Employees Association

February 12, 2017

H.B. 1906 – RELATING TO HEALTH CARE WORKERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1906 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



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

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

House Committee on Labor and Public Employment
Chair Aaron Ling Johanson
Vice Chair Daniel Holt

House Committee on Health and Human Services
Chair John M. Mizuno
Vice Chair Bertrand Kobayashi

Tuesday, February 13, 2018; 8:45 AM
State Capitol, Conference Room 329

Chair Ling Johanson and Vice Chair Holt and members of the House Committee on Labor and Public Employment, and Chair Mizuno and Vice Chair Kobayashi and members of the House Committee on Commerce, Consumer Protection and Health and Human Services:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of HB 1906, 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 your favorable consideration. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

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

Date: Monday, February 12, 2018

Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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

My name is Paula Yoshioka, and I am a 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

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>

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.

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 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.

Figures 1, 2, and 3

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

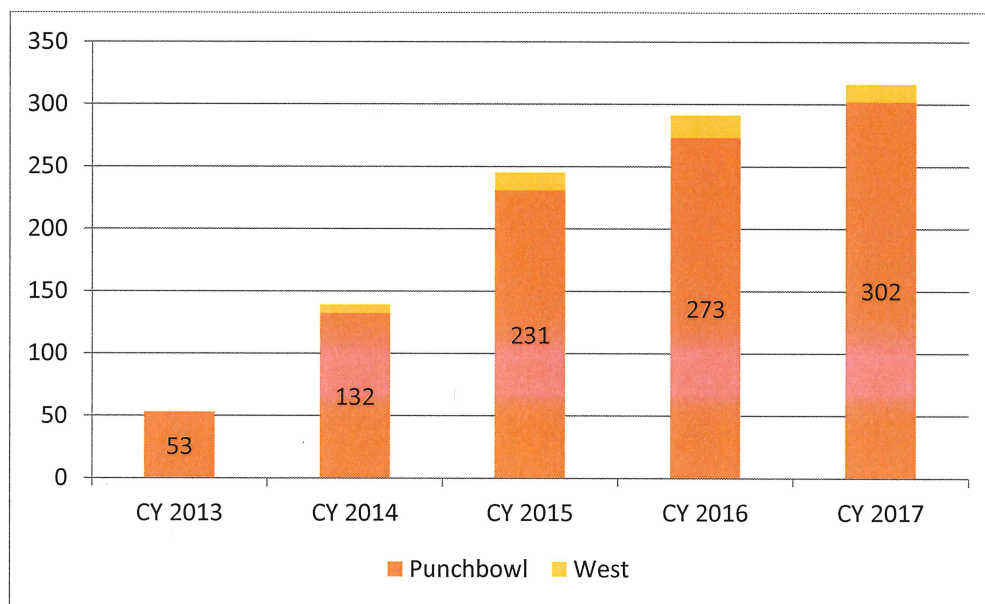


Figure 2. Workers Compensation Staff Injuries from Combative Patients – All Four Hospitals

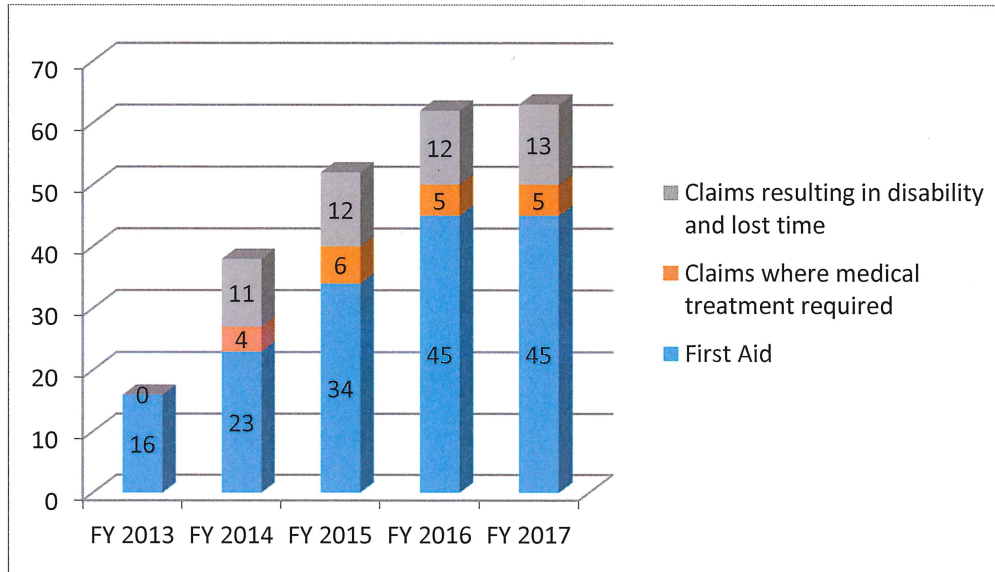
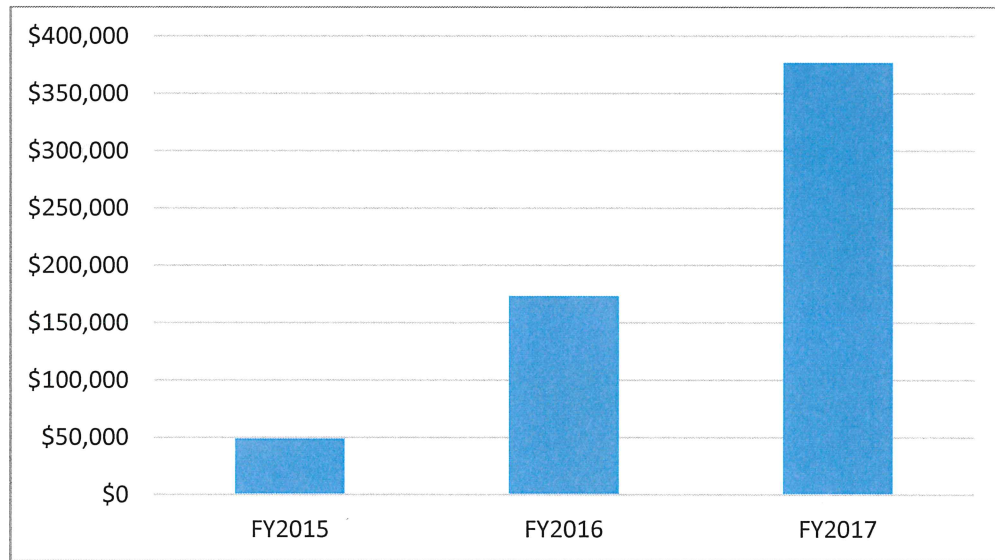


Figure 3. Costs Related to Workers' Compensation Incidents Involving Combative Patients





THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

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

Date: Monday, February 12, 2018

Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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

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 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>

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.

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.

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 Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

From: Boyd Hurley, Security Manager, The Queen's Medical Center

Date: Monday, February 12, 2018

Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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

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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.

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 Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

From: Anthony Talley, Security Officer, The Queen's Medical Center

Date: Monday, February 12, 2018

Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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.

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A. Talley, The Queen's Health Systems

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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.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

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

Date: Monday, February 12, 2018

Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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

My name is Kapunahale 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.

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THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
Members, Committee on Labor & Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health & Human Services

From: Vincent J. Nip, M.D., Chief, Division of Plastic Surgery, The Queen's Health Systems
Date: Monday, February 12, 2018
Hrg: House Joint Hearing for the Committee on Labor & Public Employment and Health & Human Services; Tuesday, February 13, 2018 at 8:45AM in Room 329

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.

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

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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, 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.

Tuesday, February 13, 2018; 8:45 a.m.
Conference Room 329

House Committee on Labor & Public Employment

To: Representative Aaron Ling Johanson, Chair
Representative Daniel Holt, Vice Chair

House Committee on Health & Human Services

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

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

Re: HB 1906 – 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 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.



**Testimony to the House Joint Committee on Labor and Public Employment and
Health and Human Services
Tuesday, February 13, 2018; 8:45 a.m.
State Capitol, Conference Room 329**

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

Chair Johanson, Chair Mizuno, 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, 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) Engaged in the performance of duty employed or contracted to work by a mutual benefit society who provides case management services to an individual in a hospital or in the home;

[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; and

[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.

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.

The HPCA acknowledges the concerns raised by the Public Defender -- that categorical classifications of victims create subjectively-tiered penalties for perpetrators. These are legitimate concerns. Accordingly, as an alternative, this Committee might consider amending Section 706-662, HRS, instead.

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.

It is in the spirit of collaboration that we offer these observations.

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



An Independent Licensee of the Blue Cross and Blue Shield Association

February 13, 2018

The Honorable Aaron Ling Johanson, Chair
The Honorable Daniel Holt, Vice Chair
House Committee on Labor and Public Employment

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
House Committee on Health and Human Services

Re: HB 1906 – Relating to Health Care Workers

Dear Chair Johanson, Chair Mizuno, Vice Chair Holt, Vice Chair Kobayashi, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1906, which makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. HMSA supports the intent to extend protection to health care workers, to the same degree as other existing protected classes vulnerable to attack.

HMSA would like to ask the Committee to consider some clarifying amendments.

- Sections 2 (1) as follows, to broaden the types of services that may be rendered and to widen the range of settings where those services can be rendered:
 - 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 to an individual in a hospital, health care provider's office, home or other settings, while that person is engaged in the performance of those duties.

Thank you for allowing us to testify on HB 1906. Your consideration of our comments is appreciated.

Sincerely,

Pono Chong
Vice President, Government Relations

Tuesday, February 13, 2018; 8:45 a.m.
Conference Room 329

House Committee on Labor & Public Employment

To: Representative Aaron Ling Johanson, Chair
Representative Daniel Holt, Vice Chair

House Committee on Health & Human Services

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Brigitte McKale
Chief Nurse Executive

Re: HB 1906 – Testimony in Support

My name is Brigitte McKale and I am Chief Nurse Executive at 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 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

Submitted on: 2/12/2018 11:57:04 AM

Testimony for LAB on 2/13/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher D. Flanders, D.O.	Hawaii Medical Association	Support	No

Comments:

HB-1906

Submitted on: 2/8/2018 3:44:06 PM

Testimony for LAB on 2/13/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	No

Comments:

HB-1906

Submitted on: 2/9/2018 9:30:59 AM

Testimony for LAB on 2/13/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
D Dalton		Support	No

Comments:

Testimony in Support of HB 1906 Relating to Healthcare Workers

By Denise M. Dalton, from Pahoa, Hawaii

As an ICU RN/CC at Hilo Medical Center, I would like to thank the committee for the opportunity to **support HB 1906**, which would make intentionally or knowingly causing bodily injury to a health care worker a Class C felony and increase protections for over 1,000 of our healthcare workers at our hospital and our nine outpatient clinics. Throughout our organization, hardworking members of staff care for many patients over the course of 48,000 annual Emergency Department visits, 8,800 admissions and 48,000 annual patient clinic visits.

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. At Hilo Medical Center, the largest hospital on Hawaii Island, we experienced 20 incidents of assault 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. HB 1906 legislation would rightfully recognize the risks that healthcare employees face just going to work. This legislation 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

**LATE
TESTIMONY**



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

LATE

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEES ON LABOR AND PUBLIC EMPLOYMENT AND ON
HEALTH AND HUMAN SERVICES

DATE: Tuesday, February 13, 2018 **TIME:** 8:45 a.m.

LOCATION: State Capitol, Room 329

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

Chairs Johanson and Mizuno and Members of the Committees:

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 11-16, the proposed paragraph (l) is unclear and may create issues in application and enforcement. The Department suggests that the Committees consider the following amendments:

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, ~~[who provides]~~ to provide case management services to an individual in a hospital or in the home, who is engaged in the performance of ~~[duty.]~~ those services.

The Department appreciates the opportunity to provide comments.