

SB2491

Measure Title: RELATING TO HEALTH CARE WORKERS.

Report Title: Health Care Worker; Intentionally Cause Bodily Injury;
Felony Penalty

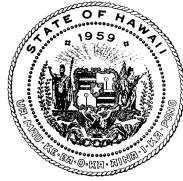
Description: Makes intentionally or knowingly causing bodily injury to
a health care worker a Class C felony.

Companion: [HB1906](#)

Package: None

Current Referral: CPH, JDC

Introducer(s): BAKER, GABBARD, HARIMOTO, INOUE, RUDERMAN,
TANIGUCHI, Galuteria, Ihara, Nishihara



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

**TESTIMONY IN SUPPORT OF SB2491
RELATING TO HEALTH CARE WORKERS**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date and Time: Tuesday, February 6, 2018 at 9:00 a.m. Room Number: 229

1 **Fiscal Implications:** TBD

2 **Department Testimony:** The Department of Health (DOH) supports the intent
3 of SB2491 which makes intentionally or knowingly causing bodily injury to a health care
4 worker a Class C felony. All health care settings should provide a safe environment for
5 all patients, staff, and visitors. There should be consistent consequences for individuals
6 who knowingly assault a caregiver.

7 Our understanding is that employees at the Hawaii State Hospital (HSH) are
8 already covered under 707-711(1)(g) as this law makes it a felony to cause bodily injury
9 to an employee of a state operated mental health facility. The purpose of this proposed
10 bill is to, "bring parity under the law for this vulnerable class and protect all health care
11 workers as emergency service workers are protected" by making it a Class C felony to
12 intentionally or knowingly cause bodily injury to a health care worker. We support
13 extending these protections to all health care workers.

14 We thank the committee for their support of this 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
The Senate
Committee on Commerce, Consumer Protection, and Health

Testimony by
Hawaii Government Employees Association

February 6, 2017

S.B. 2491 – RELATING TO HEALTH CARE WORKERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 2491 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



February 6, 2018 at 9:00 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection, and Health

To: Chair Rosalyn H. Baker
Vice Chair Jill N. Tokuda

From: Hilton Raethel
President and CEO
Healthcare Association of Hawaii

Re: **Testimony in Support**
SB 2491, 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** SB 2491, 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.



HAWAII MEDICAL ASSOCIATION

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814
Phone (808) 536-7702 Fax (808) 528-2376
www.hawaiimedicalassociation.org

TO:
COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

DATE: Tuesday, February 6, 2018
TIME: 9:00AM
PLACE: Conference Room 229

FROM: Hawaii Medical Association
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Government and Community Relations

Re: SB 2491 RELATING TO HEALTHCARE WORKERS

Position: SUPPORT

Chairs & Committee Members:

The HMA supports this bill.

Healthcare workers often operate in an environment of high stress and emotion, which can cause both patients and families to lash out with violence against those trying to help.

We are opposed to the abuse of healthcare workers.

HMA OFFICERS

President – William Wong, Jr., MD President-Elect – Jerry Van Meter, MD Secretary – Thomas Kosasa, MD
Immediate Past President – Bernard Robinson, MD Treasurer – Elizabeth A. Ignacio, MD
Executive Director – Christopher Flanders, DO



**Testimony to the Senate Committee on Commerce, Consumer Protection, and Health
Tuesday, February 6, 2018; 9:00 a.m.
State Capitol, Conference Room 229**

RE: SUPPORTING SENATE BILL NO. 2491, RELATING TO HEALTH CARE WORKERS.

Chair Baker, Vice Chair Tokuda, 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** Senate Bill No. 2491, 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.

Testimony of
Jonathan Ching
Government Relations Specialist

Before:
Senate Committee on Commerce, Consumer Protection, and Health
The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair

February 6, 2018
9:00 a.m.
Conference Room 229

Re: SB2491 Relating to Health

Chair Baker, Vice Chair Tokuda, and committee members, thank you for this opportunity to provide testimony on SB2491, which expands protections for healthcare workers from assaults.

Kaiser Permanente Hawai‘i SUPPORTS SB2491.

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 SB2491, 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 SB2491. Mahalo for your consideration of this important measure.

Tuesday – February 6, 2018; 9:00 am
Conference Room 229

Tuesday, February 6, 2018; 9:00 a.m.
Conference Room 229

Senate Committee on Commerce, Consumer Protection, and Health

To: Senator Roslyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

From: Brigitte McKale, Chief Nurse Executive

Re: **SB 2191 Relating to Health Care Workers**
Testimony in Support

My name is Brigitte McKale, and I am the Chief Nurse Executive for Pali Momi Medical Center. With 118 beds and more than 400 physicians on its medical staff, Pali Momi Medical Center offers a full range of services for the communities of Central and West O'ahu. The hospital has delivered many medical firsts for the community, including Central and West O'ahu's only interventional cardiac catheterization units to detect and treat heart disease, a fully integrated minimally invasive surgical suite, a comprehensive women's center, CT scan and MRI services, and the state's first retina center. The hospital is an affiliate of Hawai'i Pacific Health, one of the state's largest health care providers and 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.

Pali Momi supports SB 2491 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.

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 6, 2018

TIME: 9:00AM

PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Testimony in Support of SB 2491 Relating to Healthcare Workers

Dan Brinkman, CEO at Hilo Medical Center

As the Chief Executive Officer at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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 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, 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. The current system is simply not working. Assault against a healthcare worker in a hospital or nursing home is currently considered a misdemeanor. SB 2491 will align us with the eight other states that treat assault against any healthcare worker as a felony. Please help us protect our dedicated health workers.

Thank you for your consideration of this measure.



February 6, 2018

The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Senate Committee on Commerce, Consumer Protection, and Health

Re: SB 2491 – Relating to Health Care Workers

Dear Chair Baker, Vice Chair Tokuda, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2491, which makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. HMSA supports the Committee's intent to extend protection to health care workers, to the same degree as other existing protected classes vulnerable to attack.

HMSA would ask the Committee to consider clarifying 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 SB 2491. Your consideration of our comments is appreciated.

Sincerely,

Pono Chong
Vice-President, Government Relations

Tuesday, February 6, 2018; 9:00 a.m.
Conference Room 229

Senate Committee on Commerce, Consumer Protection, and Health

To: Senator Roslyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

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

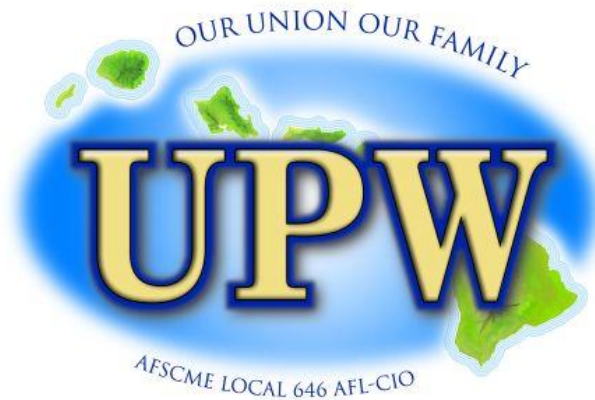
Re: SB 2491 – Testimony in Support

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 SB 2491 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.



THE HAWAII STATE SENATE
The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

DATE OF HEARING: February 6, 2018
TIME OF HEARING: 9:00 AM
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 229

TESTIMONY ON SENATE BILL 2491
RELATING TO HEALTHCARE 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 various counties. The UPW also represents about 1,500 members of the private sector.

SB2491 makes it a Class C felony when a person intentionally or knowingly causes bodily injury to a health care worker. This bill will provide increased protection for healthcare workers in Hawaii and help to improve the morale of the healthcare workforce. The UPW strongly supports this important bill.

We appreciate the opportunity to submit this testimony.

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Monday, February 5, 2018

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday, February 6, 2018 at 9:00AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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.

SB-2491

Submitted on: 2/4/2018 1:05:18 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Kutzer	Hawaii Nurses Association, OPEIU local 50	Support	Yes

Comments:

Hawaii Nurses Association

3374 Koapaka St, Suite B217

Honolulu, HI 96819

(808) 531-1628

jkutzer@hinurse.org

February 3, 2018

Dear Committee on Commerce, Consumer Protection, and Health,

Hawaii Nurses Association is in strong support of SB 2491. 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.

Please vote in favor of SB 2491

Sincerely yours,

Joan Kutzer, RN, Hawaii Nurses Association

Physician Years of Practicing	Nurse/Advanced Practice Nurse Years of Practicing
1 - 10	1 - 10
11 - 20	11 - 20
21 and up	21 and up

Percentage who say they were sexually harassed by a patient	53%	58%	40%	74%	70%	70%
Percentage who report patients have tried to communicate with them inappropriately online or through social media	46%	58%	30%	35%	19%	19%
Percentage who report a physical threat from a patient	62%	72%	58%	85%	88%	84%

https://www.medscape.com/viewarticle/892006?nlid=120451_4622&src=WNL_mdplsnews_180202_mscpedit_nurs&uac=97370SJ&spon=24&impID=1549386&faf=1

February 6, 2018
Conference Room 229



Senate Committee on Commerce, Consumer Protection, and Health

To: Chair Rosalyn H. Baker
Vice Chair Jill N. Tokuda

From: Dee Robinson
Administrator
One Kalakaua Senior Living

Re: **Testimony in Support**
SB 2491, Relating to Violence Against Healthcare Workers

Thank you for the opportunity to testify in support of SB 2491, 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 SB 2491.



3- 3420 Kuhio Highway, Suite 300 • Lihue, HI 96766

February 6, 2018 at 9:00am
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Chair Roz Baker
Vice Chair Jill Tokuda

From: Kurt Akamine
Vice President
Ohana Pacific Management Company

Re: **Support for SB 2491**
Relating to Healthcare Workers

Ohana Pacific Management Company, Inc. (OPMC) owns and operates five post-acute care facilities servicing more than 500 patients on Oahu and Kauai as well as an adult day health program and home health agency on Kauai.

I would like to thank the committee for the opportunity to testify in support of SB 2491, which would increase protections for vulnerable healthcare workers. This protection is needed because of the high rates of violence against healthcare workers in Hawaii. 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.

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.

The current system is simply not working. As it stands, assault against a healthcare worker in a hospital or nursing home is considered a misdemeanor. 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. 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.



Senate Committee on Commerce, Consumer Protection, and Health

To: Chair Rosalyn H. Baker
Vice Chair Jill N. Tokuda

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

**Re: Testimony In Support
SB 2491, 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 SB 2491 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 SB 2491.

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



**TESTIMONY ON SENATE BILL 2491
RELATING TO HEALTHCARE WORKERS**

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

Senate Committee on Commerce,
Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

Tuesday, February 6, 2018; 9:00AM
State Capitol, Conference Room 229

Chair Baker, Vice Chair Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of SB 2491, to increase protections of vulnerable healthcare workers.

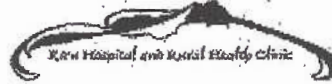
Currently, licensed healthcare workers in the emergency room are protected under law, but all other healthcare workers are not. Legacy of Life Hawaii supports the requirement that all healthcare workers be afforded the security that his law provides.

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 an 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 SB 2491 your favorable consideration. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.



HAWAII HEALTH SYSTEMS CORPORATION

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH**Senator Rosalyn H. Baker, Chair****Senator Jill N. Tokuda, Vice Chair****NOTICE OF HEARING**

DATE: Tuesday, February 6, 2018

TIME: 9:00AM

PLACE: Conference Room 229

State Capitol

415 South Beretania Street

Testimony in Support of SB 2491 Relating to Healthcare Workers*Laurie Soares, RN BSN*

As the *ICU Nurse Manager* at Hilo Medical Center, I would like to thank the committee for the opportunity to support SB 2491, which would 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 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, 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. The current system is simply not working. Assault against a healthcare worker in a hospital or nursing home is currently considered a misdemeanor. SB 2491 will align us with the eight other states that treat assault against any healthcare worker as a felony. Please help us protect our workers.

Thank you for your consideration of this measure.



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Testimony in Support of SB 2491 Relating to Healthcare Workers

Johansen Quist JN

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Tandy Newsome, RN
Manager

As the *Swift & Quality* at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Jon V Martell MD

As the Chief Medical Officer at Hilo Medical Center, I would like to thank the committee for the opportunity to support SB 2491, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Angela Kanae / Emergency Dept

As the Registered Nurse at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Kirsten Planisio

As the ER Nurse at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Kāōhimanu Dang Akiona, MD

As ~~the~~ a Physician at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Craig Hanna Jr. RN

As the ED Nurse at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Renny Corpuz Jr

As the ED Clinical Coordinator at Hilo Medical Center, I would like to thank the committee for the opportunity to **support SB 2491**, which would 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.

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Testimony in Support of SB 2491 Relating to Healthcare Workers

MARIA C. GRISHAM
CEN, CCRN

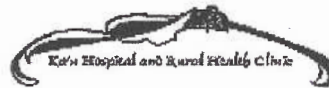
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Testimony in Support of SB 2491 Relating to Healthcare Workers

Nathan West

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Testimony in Support of SB 2491 Relating to Healthcare Workers

Doree Patao, Case Manager

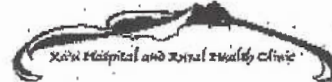
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Testimony in Support of SB 2491 Relating to Healthcare Workers

Francis Cavanaugh MD

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SB-2491

Submitted on: 2/1/2018 5:29:56 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

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

Comments:

SB-2491

Submitted on: 2/1/2018 6:38:14 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Wong		Support	No

Comments:

SB-2491

Submitted on: 2/1/2018 6:07:04 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel W Nitta		Support	No

Comments:

Those who intentionally hurt healthcare workers need to be held accountable.

SB-2491

Submitted on: 2/3/2018 10:25:37 PM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Trinh-Ng		Support	No

Comments:

I've been a nurse for 3 years now. I have lost count of the number of times that patients or a family member has gotten in my face and threatened me harm. Or the patients that think that it's OK to raise there hand to me and try to hit me. Punch, hit, bite, scratch, slap, spit at, throw urine or feces at us. Even disrespectful males that will masterbate in front of me. You name it. There are people who have no respect for nurses or nurses aides. Just recently a female nurse's aide I work with was punched in the face by a large male patient because he was angry about not getting what he wanted. Nurses are there for patients at their darkest times. We guide them to health the best we are able, if that is even possible. And even when we can't, we give them our all to make sure they are comfortable. Those patient satisfaction scores has only added to our abuse. People think the H outside the hospital stands for hotel or Hilton. People who know those surveys will have a direct effect on our reimbursement will even more so expect being treated like they were just admitted to the Ritz Carlton. Thinking they are our only patient. We can have as many at seven patients. And any of them can deteriorate at any moment. When we are in another room dealing with an emergency, we get verbally abused about having to wait for ice for their drink. Treated like we are incompetent servants because they expect immediate service whenever they call. We leave work defeated. At times questioning why we even went into this line of work to be treated that way. And because they patient is always right as in the retail industry, our abuse is ignored. People who intentionally do us harm need to be held accountable for their actions. We need our government to step in and tell people this is not OK. You cannot abuse the very people whose calling in life is to help others. Only for them to be abused in return. The burnout rate of nurses has gone up with time. Much to do with the abuse we endure on a daily basis. Healthcare workers need this bill. Please pass this bill to protect healthcare workers and hold those who abuse us accountable for their actions. Thank you for helping to protect healthcare workers.

SB-2491

Submitted on: 2/3/2018 9:15:52 AM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria	HMC	Support	No

Comments:

I work as an RN in the behavioral health unit. The abuse of some patients toward healthcare workers need to stop. It is a part of our duty to make sure we do no harm to patient and manage the patients care. Being harassed or abused (whether physical or emotional) by patients places us in risk of our own safety and there should be stricter laws in place to ensure that this does not happen and we will not tolerate this type of behavior. I had an incident once a couple years back when I worked and was more than 6 months pregnant. I had one of the patients not just attempt to harm me but also my pregnant belly at the time. Please ensure the safety of the nurses that do their best and dedicate their energy and time for the public to help and heal the sick. Thank you for your time.

SB-2491

Submitted on: 2/5/2018 2:47:20 AM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica	hmc	Support	No

Comments:

as a staff member of the hilo medical emergency room, i am exposed to violent, combative, and aggressive patients regularly. i often find myself in situations where patients are physically aggressive; patients who are a threat to themselves or others. often these people are brought in by police, but police do not stay with us in the unit to prevent violence against nursing staff, and patients often take advantage of this fact. i have been spit on, hit, kicked, and abused verbally by patients when my only goal is to provide a safe environment and medical interventions as appropriate to each case. making assault of health care workers would make us safer because often the aggressors are "frequent fliers" or patients who have been around the unit and through the social services network enough to know what they can get away with. by making strict punishments for aggressors, our staff would at least have a legal recourse against those who would reward our cares and concerns with violence and abuse. we are community servants in the ED, and we work hard to take care of our community. i think we deserve the protection of our community in order to continue providing safe and appropriate care for all people who seek it.

SB-2491

Submitted on: 2/5/2018 9:17:19 AM

Testimony for CPH on 2/6/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Busheme	Hilo Medical Center	Support	No

Comments:

I retired from the Air Force as the Psychiatric Nurse Consultant to the AF Surgeon General. Was the Chief Nurse of Psychiatry for the South Texas VA and I am currently the Nurse Manager of the Psychiatric unit at the Hilo Medical Center. The number one and two places for staff injury are the Emergency Department and Inpatient Psychiatry. Pts need to be held accountable for their actions and injuries to staff. Seen far too many excellent health care professionals get injured. On most occasions patients are aware of what they are doing and who they are targeting. Also, with the Methamphetamine scourge the islands are suffering from I believe injuries will go up. The best way for people to heal is to have consequences for their actions.

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Monday, February 5, 2018

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday,
February 6, 2018 at 9:00AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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 and 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 onto 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 and 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 Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Monday, February 5, 2018

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday, February 6, 2018 at 9:00AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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

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>

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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 Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Monday, February 5, 2018

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday, February 6, 2018 at 9:00AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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.

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

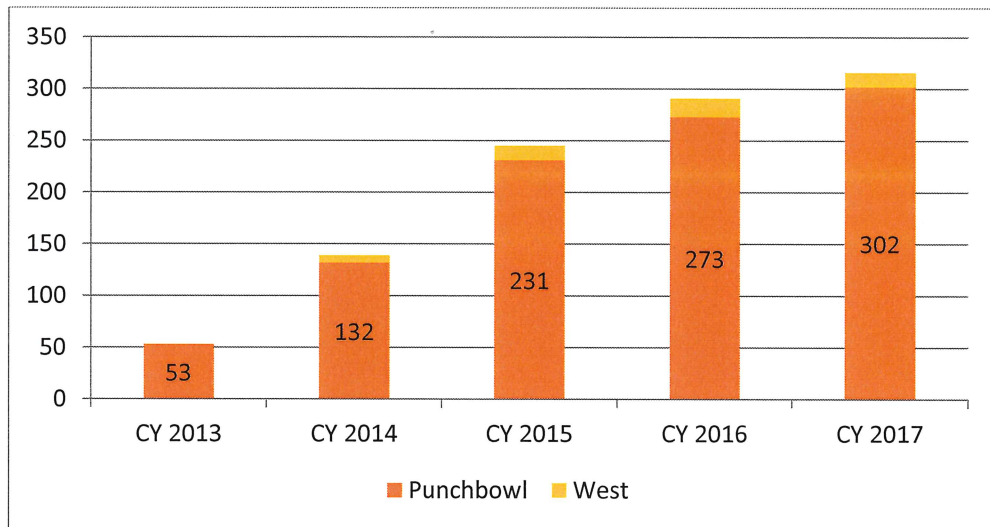


Figure 2. Workers Compensation Staff Injuries from Combative Patients – All Four Hospitals

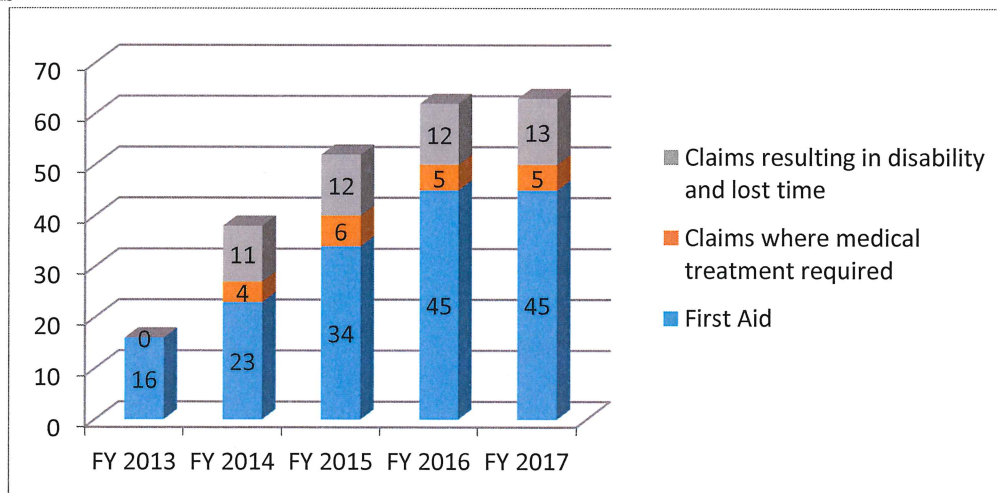
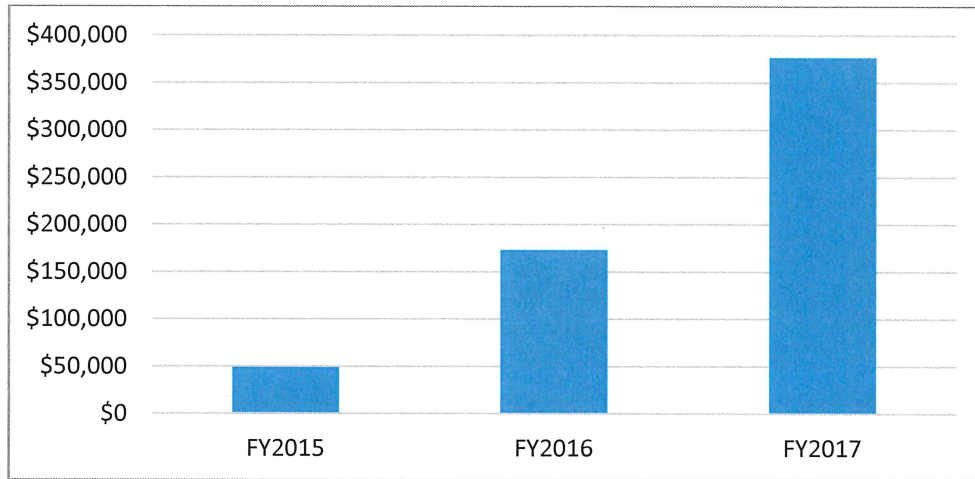


Figure 3. Costs Related to Workers' Compensation Incidents Involving Combative Patients



To: The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Monday, February 5, 2018

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday,
February 6, 2018 at 9:00AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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 would rightfully recognize 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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To: The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

From: Vincent J. Nip, M.D., Chief, Division of Plastic Surgery, The Queen's Health Systems
Date: February 5, 2018
Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Tuesday,
February 6, 2018 at 9:00 AM in Room 229

Re: **Support for SB 2491, 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 SB 2491, 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

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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.