

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Judiciary**

February 27, 2020

H.B. No. 676, HD1: RELATING TO HEALTH CARE WORKERS

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

The Office of the Public Defender opposes H.B. No. 676, HD1. This measure expands Section 707-711 of the Hawaii Revised Statutes and adds additional qualifying language to subsection (1) to the definition of “a person who is engaged in the performance of duty at a health care facility.

While we understand the desire to carve out special protections for certain classes of individuals who are assaulted in the normal course of their employment, this measure is just another example of the yearly expansion of misdemeanor level assaults to felony level assaults -- **not** based on the act itself but based on the job description of the victim. Over the years, this list of qualifying occupations has steadily grown to include many special categories and specific occupations.

It is our position that **all** employees should feel safe as they go about performing their requisite duties. As we have cautioned in the past, we believe that with the passage of time, more and more special categories and occupations will be added to this list. As the list grows, additional employees and groups will be asking whether they should request special consideration and be included for special protection.

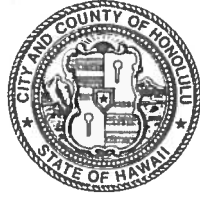
The flood gates of special protection requests are already open, as each year we see the growing list of special employment categories to the assault statute elevating a simple misdemeanor assault to felony level status. We urge caution and we ask the Legislature to reevaluate the necessity for this measure and the necessity of expanding this ever-growing list. It is no small matter to be thrust into Circuit Court to face a felony charge for actions that would be treated as a misdemeanor in most other situations.

If this measure is to be passed, we are concerned that the definition of a “health care security professional” includes simply “training...designed for health care security and safety.” We respectfully submit that this language be amended to state “**specialized** training or certification specifically designed for health care security and safety”. This would differentiate between a class or training that may include a limited security component about general security and those persons who receive specialized training on security.

Thank you for the opportunity to comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE GB-KK

February 28, 2020

The Honorable Chris Lee Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 676, H.D.1, Relating to Health Care Workers

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

The HPD supports House Bill No. 676, H.D. 1, Relating to Health Care Workers.

This bill appropriately extends the protection of health care workers to include administrators, students, and volunteers who are supporting the functions of the health care facilities. These workers should be equally afforded the same legislative protection as other professionals who are covered under Hawaii Revised Statutes, Section 707-711, Assault in the second degree. Signing these measures into law will help better protect these workers from harm by providing an additional deterrent to potential violators.

The HPD urges you to support House Bill No. 676, H.D. 1, Relating to Health Care Workers.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Susan Ballard in black ink.

Susan Ballard
Chief of Police

Handwritten signature of Gail Beckley in black ink.

Gail Beckley, Captain
Criminal Investigation Division



February 28, 2020 at 2:15 pm
Conference Room 325

House Committee on Judiciary

To: Chair Chris Lee
Vice Chair Joy A. San Buenaventura

From: Paige Heckathorn Choy
Director of Government Affairs
Healthcare Association of Hawaii

Re: **Testimony in Support**
HB 676 HD 1, Relating to Health Care 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.

Thank you for the opportunity to provide **support** for this measure. Preventing violence against healthcare workers remains a priority for HAH and its member organizations. Our members have expressed that this problem is expanding beyond hospitals into more settings of care, including long-term care facilities. We continue to work on this issue by collecting data and providing education and resources for our members, who are committed to protecting their employees against violence.

We appreciate the continued focus on ensuring the safety of healthcare professionals, including specially-trained healthcare security officers who keep clinical staff safe while they provide life-saving care, and for patients and their loved ones. The legislature has recognized that other staff in healthcare settings should be given increased protections under the law if they are attacked while on duty, and we would underscore the important role that trained healthcare security officers play in our hospitals and other settings of care.

Thank you for your consideration of our testimony.



To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Cindy Kamikawa, President, Queen's North Hawai'i Community Hospital

Date: Wednesday, February 26, 2020

Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Workers**

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, including Queen's North Hawai'i Community Hospital, 66 health care centers and labs, and more than 1,600 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's North Hawai'i Community Hospital (QNHCH) would like to express our **strong support** for HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would recognize the critical role health care security professionals play as frontline staff in violent situations and as a member of the care team. The bill makes it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals while engaged in the performance of duty at a health care facility.

Queen's recognizes that health care workers, particularly our health care security professionals, face increased risks of workplace violence. 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 health care security professionals are at increased risk of sustaining violent injuries due to the nature of their profession and such risks qualifies them to be included in this group.

The United States Office of Occupational Safety and Health Administration (OSHA) found that on average, incidents of serious workplace violence were four times more common in health care than in private industry.¹ Health care security personnel play a critical role in the care team at Queen's. They provide for a safe work place environment for all staff and patients by intervening in potentially violent situations. Although, incidences of workplace violence are severely under

¹ Occupational Safety and Health Administration (OSHA); (2015), Workplace Violence in Healthcare: Understanding the Challenge. <https://www.osha.gov/Publications/OSHA3826.pdf>

reported, Queen's internal reports from Risk Management found that in calendar year 2019 there were over 75 incidences of threats of violence and physical assault at The Queen's Medical Center, Punchbowl and West Oahu campuses. These incidences did not include those involving behavioral health patients.

Over the years, Queen's has tracked Workers' Compensation claims related costs from combative patients cost the system and found that in FY2018, our system incurred costs over \$200,000. Workplace violence incidents have led to serious injuries for our staff resulting in medical treatment, disability claims, and leaves of absence. Costs to the health care system are also significant.

Hospital security personnel are unarmed and do not lay hands on patients unless direct to by clinical staff. In a review of The Queen's Medical Center, Punchbowl Security Dispatch data, total incidents have increased from 27,918 dispatches in 2018 to 28,328 in 2019. Not including incidences involving behavioral health patients, in 2018, there were over 25 assault related dispatch calls to the Queen's Security Team and 5 of them involved a Security Officer being assaulted.

We ask for your support in including health care security professionals in the protections afforded to others in high-risk occupations. This legislation will address this costly, emotional issue and help our health care security professionals to feel better protected while they carry out their line of work and help raise morale.

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



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Jason C. Chang, President, The Queen's Medical Center and Chief Operating Officer,
The Queen's Health Systems
Shereen Johnson, Director, Security and Safety, The Queen's Health Systems

Date: Wednesday, February 26, 2020

Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Workers**

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, 66 health care centers and labs, and more than 1,600 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's would like to express our **strong support** for HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would recognize the critical role health care security professionals play as frontline staff in violent situations and as a member of the care team. The bill makes it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals while engaged in the performance of duty at a health care facility.

Queen's recognizes that health care workers, particularly our health care security professionals, face increased risks of workplace violence. 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 health care security professionals are at increased risk of sustaining violent injuries due to the nature of their profession and such risks qualifies them to be included in this group.

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¹ Occupational Safety and Health Administration (OSHA); (2015), Workplace Violence in Healthcare: Understanding the Challenge. <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.

Queen's. They provide for a safe work place environment for all staff and patients by intervening in potentially violent situations. Although, incidences workplace violence is severely under reported, Queen's internal reports from Risk Management found that in calendar year 2019 there were over 75 incidences of threats of violence and physical assault at The Queen's Medical Center, Punchbowl and West Oahu campuses. These incidences did not include those involving behavioral health patients.

Over the years, Queen's has tracked Workers' Compensation claims related costs from combative patients cost the system and found that in FY2018, our system incurred costs over \$200,000. Workplace violence incidents have led to serious injuries for our staff resulting in medical treatment, disability claims, and leaves of absence. Costs to the health care system are also significant.

Hospital security personnel are unarmed and do not lay hands on patients unless direct to by clinical staff. In a review of The Queen's Medical Center, Punchbowl Security Dispatch data, total incidents have increased from 27,918 dispatches in 2018 to 28,328 in 2019. Not including incidences involving behavioral health patients, in 2018, there were over 25 assault related dispatch calls to the Queen's Security Team and 5 of them involved a Security Officer being assaulted.

We ask for your support in including health care security professionals in the protections afforded to others in high-risk occupations. This legislation will address this costly, emotional issue and help our health care security professionals to feel better protected while they carry out their line of work and help raise morale.

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

**Written Testimony Presented Before the
House Committee on Judiciary**

**Hearing: February 28, 2020, 2:15pm
State Capitol, Conference Room 325**

By Hawaii – American Nurses Association (Hawaii-ANA)



HB 676, HD1 RELATED TO HEALTHCARE WORKERS

Chair Chris Lee, Vice Chair Joy A. San Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support for HB 676, HD1. Thank you for hearing this measure, which classifies the offense of assault in the second degree of a health care security professional as a class C felony.

We are members of the American Nurses Association of Registered Nurses in Hawaii (Hawaii-ANA). As a profession, we advocate for a safe and violence-free environment where we can work to deliver the best quality care to members of our community. We are supported in this endeavor by the healthcare security professionals who are trained to protect that healthcare environment.

In 2018, the Hawaii Legislature, in its great wisdom, expanded protections for health care workers including nurses, nurse aides, and other members of the healthcare team through Act 147, SLH 2018. The Federal Occupational Safety and Health Administration notes that workplace violence is a serious problem and that the field of Healthcare and Social Assistance experiences nearly four times the cases of violent injuries resulting in days away from work than private industry overall, and more than eight times the cases as compared to construction and manufacturing. Further, OSHA notes that inadequate security staff increase the risk of workplace violence and that injuries and stress to the workforce leads caregivers and healthcare professionals to leave the profession.

Hawaii-ANA commends Committee on Judiciary for hearing this measure and thanks the Committee for considering the comments provided. We respectfully request that HB676, HD1 pass out of this committee. Hawaii-ANA thanks your committee for its commitment to the people of Hawaii.

Contact information for Hawaii – American Nurses Association
President: Katie Kemp, BAN, RN-BC
Executive Director Dr. Linda Beechinor, APRN-Rx, FNP-BC
phone (808) 779-3001
500 Lunalilo Home Road, #27-E
Honolulu Hawaii USA 96825

president@hawaii-ana.org
executivedirector@hawaii-ana.org



**Testimony to the House Committee on Judiciary
Friday, February 28, 2020; 2:15 p.m.
State Capitol, Conference Room 325**

RE: HOUSE BILL NO. 0676, HOUSE DRAFT 1, RELATING TO HEALTH CARE WORKERS.

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

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 0676, House Draft 1, RELATING TO HEALTH CARE WORKERS.

The bill, as received by your Committee, would clarify that the offense of assault in the second degree, a class C felony, would apply if a person intentionally or knowingly causes bodily injury to a person engaged in the performance of duty at a health care facility, including a "health care security professional."

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved 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 healthcare.

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 or at health care facilities, 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.

Testimony on House Bill No. 0676, House Draft 1
Friday, February 28, 2020; 2:15 p.m.
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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 urges your favorable consideration of this measure.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Susan R. Murray, Senior Vice President, West O'ahu Region
Chief Operating Officer, The Queen's Medical Center-West O'ahu

Date: Wednesday, February 26, 2020

Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Workers**

The Queen's Health Systems is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, including The Queen's Medical Center-West O'ahu, 66 health care centers and labs, and more than 1,600 physicians statewide. As the preeminent health care system in Hawai'i, The Queen's Health Systems strives to provide superior patient care that is constantly advancing through education and research.

The Queen's Medical Center-West O'ahu (Queen's) would like to express our **strong support** for HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would recognize the critical role health care security professionals play as frontline staff in violent situations and as a member of the care team. The bill makes it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals while engaged in the performance of duty at a health care facility.

Queen's recognizes that health care workers, particularly our health care security professionals, face increased risks of workplace violence. 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 health care security professionals are at increased risk of sustaining violent injuries due to the nature of their profession and such risks qualifies them to be included in this group.

The United States Office of Occupational Safety and Health Administration (OSHA) found that on average, incidents of serious workplace violence were four times more common in health care than in private industry.¹ Health care security personnel play a critical role in the care team at

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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.

Queen's. They provide for a safe work place environment for all staff and patients by intervening in potentially violent situations. Although, incidences workplace violence is severely under reported, Queen's internal reports from Risk Management found that in calendar year 2019 there were over 75 incidences of threats of violence and physical assault at The Queen's Medical Center, Punchbowl and West O'ahu campuses. These incidences did not include those involving behavioral health patients.

Over the years, Queen's has tracked Workers' Compensation claims related costs from combative patients cost the system and found that in FY2018, our system incurred costs over \$200,000. Workplace violence incidents have led to serious injuries for our staff resulting in medical treatment, disability claims, and leaves of absence. Costs to the health care system are also significant.

Hospital security personnel are unarmed and do not lay hands on patients unless directed to by clinical staff. In a review of The Queen's Medical Center, Punchbowl Security Dispatch data, total incidents have increased from 27,918 dispatches in 2018 to 28,328 in 2019. Not including incidences involving behavioral health patients, in 2018, there were over 25 assault related dispatch calls to the Queen's Security Team and 5 of them involved a Security Officer being assaulted.

We ask for your support in including health care security professionals in the protections afforded to others in high-risk occupations. This legislation will address this costly, emotional issue and help our health care security professionals to feel better protected while they carry out their line of work and help raise morale.

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

Friday, February 28, 2020 at 2:15 PM
Conference Room 325

House Committee on Judiciary

To: Representative Chris Lee, Chair
Representative Joy San Buenaventura, Vice Chair

From: Shane Correia
Safety and Security Director

**Re: Testimony in Support of HB 676, HD1
Relating to Health Care Workers**

My name is Shane Correia, and I am the Safety and Security Director for Straub Medical Center (Straub). Straub is an affiliate of Hawaii Pacific Health. Founded in 1921, Straub includes a 159-bed hospital in Honolulu, a network of neighborhood clinics and a visiting specialist program that reaches throughout the state of Hawai'i. With over 200 physicians who are leaders in their fields, Straub provides its patients with diagnoses and treatments for more than 32 different medical specialties, including bone and joint, heart, cancer, endocrinology/diabetes, family medicine, gastroenterology, geriatric medicine, internal medicine, vascular and urology.

I write in support of HB 676, HD1 which classifies the offense of assault in second degree of a health care security professional as 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 on duty compared to other workers. Statistics show that workers in hospitals, nursing homes and other health care settings face significant risks of workplace violence. OSHA also found that health care accounts for nearly as many serious violent injuries as all other industries combined, and this is of great concern. At HPH our staff has been experiencing an increase in encounters with violent patients.

Under existing law, health care security professionals are not included as one of the protected categories of health care professionals who may press felony charges when they are assaulted while performing their duties on the job. Health care security professionals are unarmed and do not lay hands on patients unless directed to do so by hospital or clinic staff. As our health care security staff must intervene when patients and other individuals become physically violent, they should be afforded the protection the

law allows other health care professionals. This measure would give our health care security professionals that protection.

Thank you for the opportunity to testify.



To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Michael Holmberg, Director of Security, The Queen's Medical Center - West
Date: Wednesday, February 26, 2020
Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Workers**

My name is Michael Holmberg and I am the Director of Security & Safety Services at The Queen's Medical Center - West. I would like to express my **strong support** for HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals in a health care facility.

I believe this legislation recognizes the risk that health care security professionals face every day. For example, The Queen's Medical Center – West Oahu, opened in May of 2014, since the opening, we have had 62 assault incidents. Of those 62, 20 were against Security Officers with 2 resulting in injury and loss of time from work.

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

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



To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Mimi Harris, VP Patient Care and Chief Nursing Officer, The Queen's Health Systems
Date: Wednesday, February 26, 2020
Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Workers**

My name is Mimi Harris, and I am a Vice President for Patient Care and the Chief Nursing Officer at The Queen's Health Systems. Thank you for the opportunity to submit testimony I would like to express my **strong support** for HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals while engaged in performance of a duty at a health care facility.

As the Chief Nursing Officer at the Queen's Health Systems I have the opportunity to hear in our "Daily Safety Briefings" the frequent occurrences in which nurses, technicians, aides, phlebotomists and our security team are kicked, punched or verbally abused by patients. In addition to bedside care providers, our health care security professionals are put in harms' way on a daily basis as they conduct their jobs to protect the staff and patients from those who may be abusive, reckless or insubordinate. When these acts are a result of illness or mental health issues, they can be excused. However when these acts are intentional, and individuals choose to inflict harm on our security professionals it is only fair that the same protection that other health care professionals are provided are also made available to our security team. Despite their incredible negotiation, and de-escalation skills, there are times when these techniques do not prevail, and patients choose to step over the line knowing there are no real consequences. We have examples of our security team members requiring stitches, medical care, and long term disability due to aggressive attacks by patients.

Please vote in favor of this bill and help send the message that it is not acceptable to harm those who are doing their best to protect the safety of our patients and staff.

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

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

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Boyd Hurley, Security Manager, The Queen's Medical Center
Date: Wednesday, February 26, 2020
Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 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 HB676 HD1, Relating to Health Care Workers. Under current law, it is a misdemeanor to assault a health care security professional. This bill would make it a Class C felony to intentionally or knowingly cause bodily harm to health care security professionals while engaged in the performance of duty at a health care facility.

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 two examples of firsthand accounts collected from health care security professionals at The Queen's Medical Center Punchbowl campus.

Assault on a Security Officer

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

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 security professionals face every day. I believe that this legislation would rightfully recognize the risks that our health care security professionals 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 health care security professionals to be included in this group.

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



Friday, February 28, 2020 at 2:15 PM
Conference Room 325

House Committee on Judiciary

To: Representative Chris Lee, Chair
Representative Joy San Buenaventura, Vice Chair

From: Fego Alconcel
Safety and Security Director, Kapi'olani Medical Center for Women & Children

Re: **Testimony in Support of HB 676, HD1
Relating to Health Care Workers**

My name is Fego Alconcel and I am the Safety and Security Director at Kapi'olani Medical Center for Women and Children (Kapi'olani) is an affiliate of Hawaii Pacific Health. Kapi'olani Medical Center is the state's only maternity, newborn and pediatric specialty hospital. It is also a tertiary care, medical teaching and research facility. Specialty services for patients throughout Hawai'i and the Pacific Region include intensive care for infants and children, 24-hour emergency pediatric care, air transport, maternal-fetal medicine and high-risk perinatal care.

I write in support of HB 676, HD1 which classifies the offense of assault in second degree of a health care security professional as 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 on duty compared to other workers. Statistics show that workers in hospitals, nursing homes and other health care settings face significant risks of workplace violence. OSHA also found that health care accounts for nearly as many serious violent injuries as all other industries combined, and this is of great concern. At Kapi'olani our staff has been experiencing an increase in encounters with violent patients.

Under existing law, health care security professionals are not included as one of the protected categories of health care professionals who may press felony charges when they are assaulted while performing their duties on the job. Health care security professionals are unarmed and do not lay hands on patients unless directed to do so by hospital or clinic staff. As our health care security staff must intervene when patients and other individuals become physically violent, they should be afforded the protection the

law allows other health care professionals. This bill would give our health care security professionals that protection.

Thank you for the opportunity to testify.



To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Krystle Fujikawa, RN, The Queen's Medical Center
Date: Thursday, February 28, 2020
Hrg: House Committee on Judiciary; Friday, February 28, 2020 at 2:15 PM in Room 325

Re: **Support for HB676 HD1, Relating to Health Care Security**

I am in **strong support** of HB676 HD1, Relating to Health Care Security. Hospital security is an invaluable and integral component to the safety of patients, visitors, families, and staff here at The Queen's Medical Center. They are expected to place themselves in harm's way to serve and protect any and all persons on campus. As it stands, there is little consequence to violent or aggressive persons who do not respect and comply with security directives.

My name is Krystle Fujikawa and I am a critical care registered nurse in the cardiac ICU here at The Queen's Medical Center. I have worked as a critical care nurse for 10 years; and during the course of my career I have seen an escalation of violent, abusive, aggressive, and unsafe behavior from patients and guests. I have been in situations where verbal abuse turns to physical assaults; where weapons in every conceivable form are used against staff; or direct threats against a person's safety are made. Unfortunately, it seems that long gone are the days in which health care workers can expect to come to work to exclusively focus on healing.

I have had numerous personal encounters in which security support was called to the bedside to help with dangerous situations. One that specifically comes to mind is a person who was successfully helped out of methamphetamine withdrawal which complicated his heart failure. When he awoke with the clarity of his situation, he became extremely verbally abusive with staff and threw items at the staff such as hot coffee, forks, spit, used urinals, and a bloody self-discontinued IV. Staff could not enter the room safely to care for this patient, at which time it was decided that he should be discharged from our care due to his refusal for treatment and his recovered medical state. He refused to leave the room, only accepting his son to come in and visit him. We soon found out that the son was bringing in methamphetamines to the patient, and when we tried to bar the son from coming, both the patient and the son got extremely physically aggressive. Our security team provided continuous check-ins and onsite support. They were helpful in trying to diffuse the situation, and were ready and willing to put themselves in harm's way to protect the staff and other patients in the hospital. In my experience, it appears that

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.

K. Fujikawa, The Queen's Medical Center

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aggressive and violent persons think that they are immune from the consequence of abusive behavior in the hospital. Our health care security professionals have been an integral part of the health care delivery system by protecting the patients, guests, staff, and the healing culture of the hospital. Their safety is highly at risk because of the unexpected nature of the calls they receive. It is for these reasons that I strongly support the passing of HB676 HD1.

Thank you,

Krystle Fujikawa, R.N., B.S.N.

To: The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health

LATE

From: Jolina Baruela

Date: Thursday, February 27, 2020

Hrg: House Committee on Health Hearing; Thursday, February 13, 2020 at 9:00 AM in
Room 329

Re: Support for HB676 HD1, Relating to Health Care Workers

My name is Jolina Baruela, a Certified Nursing Assistant and a student of Myron B. Thompson School of Social Work at the University of Hawai'i at Manoa. I am testifying in **support** of HB676 proposed HD1, Relating to Health Care Workers. This bill will guarantee that it would be a Class C felony if an individual intentionally or knowingly causes bodily injury to health care workers.

On page two (line 10 and 11) of the bill, it stated, "For example, a staff member may feel a professional and ethical duty to "do no harm" to patients." As health care workers, it is our duty/ethical to provide the best care for our patients no matter the situation. In regarding to the safety of health care workers, when do we officially decide if a health care worker or health care workers is being/was assaulted by a patient or patients? We need to set boundaries and/or implement rules for the well-being of health care workers.

I strongly support HB676 proposed HD1, Relating to Health Care Workers because health care workers indeed put their lives and safety on the line while they are on the job.

Thank you for the opportunity to testify.

Jolina Baruela
140A West Hawaii Street
Kahului, HI 96732