

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Commerce,
Consumer Protection, and Health**

February 10, 2020

S.B. No. 3044: RELATING TO OFFENSES AGAINST HEALTH CARE SECURITY
PROFESSIONALS

Chair Baker, Vice Chair Chang, and Members of the Committee:

The Office of the Public Defender strongly opposes S.B. No. 3044. This measure expands Section 707-711(j) of the Hawaii Revised Statutes and adds another qualifying occupation to the ever-growing number of occupations which have been singled out for special protection against assaults in the normal course of their employment.

While we understand the desire to carve out special protections for certain classes of individuals who are assaulted in the normal course of their employment, this measure is just another example of the expansion of misdemeanor level assaults to felony level assaults -- **not** based on the act itself but based on the job description of the victim. Over the years, this 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. Enhanced penalties for assaults committed upon health care security professionals will not have a concomitant effect on their safety. The assumption that enhanced penalties will deter individuals from harming a certain class of individuals is false. Most citizens do not follow legislative action and do not give pause to possible penalties when acting out of situational emotion and anger nor when acting out because of stress or when experiencing mental health symptoms.

We believe 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.

In particular, we are also concerned about the overbroad language used in the bill to include any person **“who has received training or certification specifically designed for health care security and safety.”** We submit that this language is too broad and it could include any person who may have taken a class at any time with no restrictions on when the class may have been taken or whether the class was completed or whether there is an actual certification process. This language could literally include every person employed in a health care facility – whether they provide actual security or not -- if they receive training on hospital security.

Thank you for the opportunity to comment on this measure.



640 'Ulukahiki Street
Kailua, Hawai'i 96734-4498
Tel (808) 263-5500
AdventistHealthCastle.org

February 11, 2020

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

From: Ryan Ashlock, Chief Operating Officer, Adventist Health Castle

Hrg: Senate Committee on Commerce, Consumer Protection, and Health (Conference Rm. 229)
Thursday, February 13, 2020, 9:30 a.m.

RE: **IN STRONG SUPPORT OF S.B. 3044, Relating to Offenses Against Health Care Security Professionals**

Dear Chair Baker and Members of the Committee:

Adventist Health Castle appreciates the opportunity to testify in **STRONG SUPPORT** of S.B. 3044, which seeks to classify the offense of assault in the second degree of a health care security professional as a class C felony.

Adventist Health Castle is full-service medical center offering a wide range of inpatient, outpatient and home-based services. Located just outside of Kailua, Castle's 160-bed facility with more than 1,000 employees and staffed by more than 300 physicians serves all of O'ahu and is the primary healthcare facility for the Windward side of the island.

Unfortunately, violence against healthcare workers is all too common. According to the Occupational Safety and Health Administration, incidents of serious workplace violence are four times more common in health care than in other private sectors. Security professionals alone made up for 39% of Adventist Health Castle's incidents, of which 45% occurred outside of the Behavioral Health unit.

Passing this legislation would rightfully recognize the risks our healthcare security professionals face at work each and every day and give them the much needed protections. In an effort to allow our healthcare professionals to do their jobs, we often rely on our healthcare security professionals to provide the first line of defense in ensuring the safety of all those involved, patients included. By not providing them the same protections afforded to the rest of the care team, we are inappropriately undervaluing the risks that they face and the work that they do for the betterment of everyone who seeks care and everyone who provides care at our healthcare facilities.



640 'Ulukahiki Street
Kailua, Hawai'i 96734-4498
Tel (808) 263-5500
AdventistHealthCastle.org

Thank you for your attention to this very important issue.

Sincerely,

DocuSigned by:

Ryan Ashlock

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Ryan Ashlock

Chief Operating Officer

Adventist Health Castle



**Testimony to the Senate Committee on Commerce, Consumer Protection, and Health
Thursday, February 13, 2020; 9:30 a.m.
State Capitol, Conference Room 229**

RE: SENATE BILL NO. 3044, RELATING TO OFFENSES AGAINST HEALTH CARE SECURITY PROFESSIONALS.

Chair Baker, Vice Chair Chang, 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. 3044, RELATING TO OFFENSES AGAINST HEALTH CARE SECURITY PROFESSIONALS.

The bill, as received by your Committee, would establish the offense of assault in the second degree on a health care security professional a class C felony.

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 Senate Bill No. 2044
Thursday, February 13, 2020; 9:30 a.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.

For these reasons, 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.



February 13, 2020 at 9:30 am
Conference Room 229

Senate Committee on Commerce, Consumer Protection, and Health

To: Chair Rosalyn H. Baker
Vice Chair Stanley Chang

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

Re: **Testimony in Support**
SB 3044, Relating to Offenses Against Health Care Security Professionals

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 Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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: Tuesday, February 11, 2020

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Thursday,
February 13, 2020 at 9:30 AM in Room 229

Re: **Support for SB3044, Offenses against health care security professionals**

The Queen's Health Systems (Queen's) is a not-for-profit 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 SB3044, Relating to Offenses Against Health Care Security Professionals. 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

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.

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 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.

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

Thursday, February 13, 2020 at 9:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Shane Correia
Safety and Security Director

Re: **Testimony in Support of SB 3044**
Relating to Offenses Against Health Care Security Professionals

My name is Shane Correia, and I am the Director of Security 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 SB 3044 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. SB 3044 would give our health care security professionals that protection.

Thank you for the opportunity to testify.

SB-3044

Submitted on: 2/10/2020 11:35:55 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elena Cabatu	Testifying for Hilo Medical Center	Support	No

Comments:

Hilo Medical Center stands in strong support of SB 3044.

SB-3044

Submitted on: 2/11/2020 7:19:18 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Holmberg	Testifying for The Queen's Medical Center - West Oahu	Support	Yes

Comments:

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

From: Krystle Fujikawa, The Queen's Medical Center
Date: Tuesday, February 11, 2020
Hrg: Senate Committee on Commerce, Consumer Protection, and Health; Thursday, February 13, 2020 at 9:30 AM in Room 229

Re: **Support for SB3044, Relating to Offenses Against Health Care Security Professionals**

I am in **strong support** of SB3044, Offenses against health care security professionals. 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 year; 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 aggressive and violent persons think that they are immune from the consequences 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

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K. Fujikawa, The Queen's Medical Center

Page 2

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 SB3044.

Thank you,

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

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Tuesday, February 11, 2020

Hrg: Senate Committee on Commerce, Consumer Protection, and Health; Thursday, February 13, 2020 at 9:30 AM in Room 229

Re: **Support for SB3044, Relating to Offenses Against Health Care Security Professionals**

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 SB3044 Relating to Offenses Against Health Care Security Professionals. 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 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 a 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

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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.

SB-3044

Submitted on: 2/10/2020 11:44:09 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Comments	No

Comments:

I'd like to add to this "while performing their job" or something. So it's clear the reason they are being assaulted is because of their job.

SB-3044

Submitted on: 2/10/2020 10:25:22 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mimi Harris	Individual	Support	No

Comments:

Thank you for the opportunity to submit testimony in support of SB3044.

Our health care security professionals are put in harms way on a daily basis conducting thier jobs to protect the staff and patients from individuals who may be abusive, reckless or insubordinate. When these acts are a result of illness or mental health problems they can be excused. However when they are intentional and individuals choose to inflict harm on these security professionals it is only fair that these individuals are extended the same protection that other health care professionals are extended. Please vote in favor of this bill

Mahalo,

Mimi Harris, VP Pt Care and Chief Nursing Officer.



Thursday, February 13, 2020 at 9:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Anthony Miranda
Safety & Security Manager

Re: **Testimony in Support of SB 3044
Relating to Offenses Against Health Care Security Professionals**

My name is Anthony Miranda, and I am the Security Manager at Pali Momi Medical Center (Pali Momi). Pali Momi is a not-for-profit hospital located in West O'ahu, and is dedicated to the health and well-being of all Hawai'i residents. With 128 beds and more than 400 physicians on its medical staff, Pali Momi offers a full range of services. The hospital has delivered many medical firsts for the community, including Central and West O'ahu's only interventional cardiac catheterization unit to detect and treat heart disease, a fully integrated minimally invasive surgical suite, CT scan and MRI services and the state's first retina center. The hospital is an affiliate of Hawai'i Pacific Health, the state's largest health care provider.

I write in support of SB 3044 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 Pali Momi 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. SB 3044 would give our health care security professionals that protection.

Thank you for the opportunity to testify.

Thursday, February 13, 2020 at 9:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Donald Pilker
Safety and Security Director

Re: **Testimony in Support of SB 3044**
Relating to Offenses Against Health Care Security Professionals

My name is Donald Pilker, and I am the Director of Security for Wilcox Medical Center. Founded in 1938, Wilcox Memorial Hospital is a not-for-profit hospital dedicated to providing the Kaua'i community with accessible, quality health care. Wilcox is the largest medical facility on Kaua'i and has been recognized as one of the nation's best small hospitals. With 185 physicians on staff, Wilcox Memorial Hospital offers island residents and visitors expert diagnosis and treatment for more than 22 specialties.

I write in support of SB 3044 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. SB 3044 would give our health care security professionals that protection. Thank you for the opportunity to testify.



Thursday, February 13, 2020 at 9:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Fego Alconcel
Safety and Security Director

Re: **Testimony in Support of SB 3044
Relating to Offenses Against Health Care Security Professionals**

My name is Fego Alconcel and I am the Director of Security 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 SB 3044 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. SB 3044 would give our health care security professionals that protection.

Thank you for the opportunity to testify.



To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members, Committee on Commerce, Consumer Protection, and Health

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

Date: Wednesday, February 12, 2020

Hrg: Senate Committee on Commerce, Consumer Protection, and Health Hearing; Thursday,
February 13, 2020 at 9:30 AM in Room 229

Re: **Support for SB3044, Offenses against health care security professionals**

The Queen's Health Systems (Queen's) is a not-for-profit 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 SB3044, Relating to Offenses Against Health Care Security Professionals. 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

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

in potentially violent situations. Although, incidences of workplace violence are 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.