

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/15/2023  
**Time:** 09:30 AM  
**Location:** 329 VIA VIDEOCONFERENCE  
**Committee:** House Health &  
Homelessness

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** HB 0942, HD1 RELATING TO EMERGENCY MEDICAL RESPONSE.

**Purpose of Bill:** Requires each department of education school and public charter school to establish a critical medical emergency response team. Appropriates funds. Effective 6/30/3000. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) provides comments on HB 0942, HD1, noting that this bill may be unnecessary.

The bill is requiring the Department to expand on what is already in place. However, if this bill continues to move forward the Department requests that funding is provided as CPR/first aid training and certification are required on a biennial (every two years) basis. Funding will also be vitally important in procuring additional first aid kits, Automated External Defibrillators, communications devices (e.g., alert buttons, radios, public address systems, etc.), and other resources.

Thank you for the opportunity to provide testimony on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 942, H.D. 1, RELATING TO EMERGENCY MEDICAL RESPONSE.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

**DATE:** Wednesday, February 15, 2023      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Anne T. Horiuchi, Deputy Attorney General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires each Department of Education (DOE) school and public charter school to establish a critical medical emergency response team and appropriate moneys.

To clarify that the new section being added to chapter 302A, Hawaii Revised Statutes (HRS), in section 2 of the bill applies to department schools, which are defined in section 302A-101, HRS, as "any school that falls within the definition of "public schools" except for a charter school, we suggest replacing "public" with "department" on page 2, line 5. Additionally, to clarify that the appropriation referenced in section 4 of the bill is to be used for department schools, we suggest replacing "public" with "department" on page 4, line 10.

We also recommend including an additional subsection to the new sections in chapters 302A and 302D, HRS, that would address the potential liability of critical emergency response team members, such as:

Any person who acts in accordance with the requirements of this section shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

This suggested wording is modeled after subsection 302A-1164(h), HRS, which provides legal immunity to DOE employees and agents who volunteer to administer insulin or glucagon in an emergency situation or administer or assist with blood glucose monitoring.

Thank you for the opportunity to provide comments on this measure.



*Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.*

To: Representative Belatti, Chair  
Representative Takenouchi, Vice Chair  
House Committee on Health & Homelessness

Re: HB942 HD1, relating to emergency medical response  
9:30 p.m., Feb. 15, 2023

Aloha Chair Belatti, Vice Chair Takenouchi and committee members:

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify on House Bill 942 HD1, relating to emergency medical response. **We support the intent of this bill and respectfully request amendments.**

When parents and families drop their children off at school each morning, they expect that their child will be safe if an unfortunate accident or emergency happens. We believe all schools should be equipped with a plan if such an emergency happens and the confidence to execute those plans. And, they should be supported with the resources necessary to be well-prepared. Current policies and procedures are one-size-fits-all and lack specificity, leaving the potential for at least some schools to be ill-equipped to handle an emergency due to the size of the school and a lack of practice. We are concerned that the bill as it is currently drafted does not do enough to change the status quo.

**We respectfully request two additions to the current bill draft so that it will better support department schools in preparing for critical emergencies.** First, we ask that the committee consider including language that would require a minimum number of critical response team members proportionate to either the population or square footage size of a school. We also respectfully request that the committee consider adding language mandating each school or at least complex area create a critical response plan that is subject to at least one annual drill.

We hope that no school will ever need these plans, but we know that hope is not a plan. Thus, **we respectfully ask the committee to amend and support this measure.**

Mahalo,

Ke'ōpū Reelitz  
Director of Early Learning and Health Policy

**UPDATED:** February 13, 2023

**TO:** Chair Belatti and House Health Committee Members

**RE:** HB942 HD1  
Critical Medical Emergency Response in the Hawai'i Department of Education Public Schools

Mahalo nui for your responsivity to this matter.

If you're able, please see our original testimony on this legislation, we stand by it.

We would like to add, if you have not already been made aware, that the Senate Bill 830 (the companion bill) passed its first reading with most of the original language intact (*and some wonderful support from the Attorney General's Office adding clear language around release from liability*). This included specific requirements that each school, within their unique Administration/Teams, run timed drills/practices around ensuring that a team member could get to any given location on a school campus in 3 minutes or less. This is SO important and unique to this bill because it applies specifically to "minutes matter" type of critical emergencies. It is what makes this legislation necessary.

The Deputy of Operations for the Department of Education submitted testimony at both the Senate and House Education Committee Hearings with this language in place. If there are parts of the language that feel too prescriptive, as Chair Woodson stated, we implore you to please explore it further and consider adding some of the more specific language around ways to support and practice appropriate response times in each school, even if not all of it.

Yes, of course, this is personal to our family and the incident that occurred with our son, but it is so much more.

We had no idea the course that this would take us on when we decided to push for this (*and apologize that we still don't quite fully understand all of the procedures and are more than happy to take consult*), but it has grown to become something that we have so see through. For our keiki, for your keiki, for all our mo'opūna. For the people that dedicate their lives to educating our children.

There is so much in this world that we cannot control, but there are some things that we can. Providing support, guidance, and resources to school campuses to be prepared to literally SAVE A LIFE if the time ever comes, is something we do have control over, and we can do it right now.

Again, we thank you so much for your commitment to the service of the people of Hawai'i.



Mahalo nui,

**Amanda & Kainoa Luning**

Public School Parents, Local Public Servants

# MINUTES MATTER

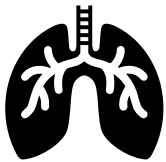
Please Support  
Critical Medical Emergency  
Response Plans  
In Hawai'i's Public Schools  
**HB942 & SB830**



Unintentional  
accident/injury related  
death remains the  
leading cause in the  
United States for person  
ages 1-44. <sup>(3)</sup>



“CPR, especially if  
administered immediately  
after cardiac arrest, can  
double or triple a person’s  
chance of survival.” <sup>(1)</sup>



“Choking can  
kill an  
individual  
within minutes,  
and quick  
intervention is  
needed to save  
the victim’s  
life.” <sup>(4)</sup>



“Although injury deaths have traditionally been  
viewed as “accidents,” injury-prevention science that  
evolved during the latter half of the 20th century  
increasingly shows that such deaths are preventable  
with evidence-based approaches.” <sup>(2)</sup>

1) <https://cpr.heart.org/en/resources/cpr-facts-and-stats>

2) Cunningham RM, Walton MA, Carter PM. The major causes of death in children and adolescents in the United States. *N Engl J Med* 2018;379:2468-2475.

3) <https://wisqars.cdc.gov/data/lcd/home>

4) <https://www.abc10.com/article/news/family-childs-choking-death-at-school-could-have-been-prevented/103-398868292>



# ***Medical Emergency Response Plan***





## Communication system

- **Linking all parts of the school campus, including outdoor facilities and practice fields, to the emergency medical services system.**
- **Protocols to clarify when the emergency medical services system and other emergency contact shall be called**
- **List of contacts and telephone numbers with protocol indicating when each person shall be called, including names of professionals to help with post-emergency support.**



## Location on campus

- **A determination of emergency medical response time to any location on campus.**
- **A method to efficiently direct emergency medical services personnel to any location on campus, including to the location of available rescue equipment.**
- **Safety precautions to prevent injuries in classrooms and on the facilities.**



## Personnel

- **A method of providing access to training in cardiopulmonary resuscitation and first aid for teachers, athletic coaches, trainers, and other school staff, which may include training for the age appropriate students in cardiopulmonary resuscitation.**
- **Medical Response Plans shall be developed in consultation with the school principal, school nurse, school athletic director, team physicians, coaches, trainers, teachers, staff of the school, local police, fire and emergency personnel, as appropriate.**



## Mock Drills

- Schools shall practice the response sequence at the beginning of each school year and periodically throughout the year and modify the Medical Emergency Response Plan and evaluate the plan as necessary.
- School officials shall review the medical emergency response plan with the local fire department and police officials at least 1 time each year and shall conduct periodic walk-throughs of school campuses.
- Plans shall be submitted to The Board of Education, the local fire department and local police department.
- Plans shall be updated in an event of any new construction or physical changes to the school campus as determined by each personnel.

## AED

- Subsequent filing of a medical emergency response plan, each school district shall report on the availability of an automated external defibrillators (AED), in each school and within the district, including, the total amount available in each school campus.
- Each plan must indicate the location of each (AED) within the school campus, whether it is in a fixed or portable location.
- Trained personnels or volunteers who are trained in its use, those personnel will have access to device during regular school hours, after-school activities, public events, and have the (AED) necessary to ensure campus-wide access throughout any given time of an emergency.

## Department of Public Health

- The department of elementary, intermediate, high school, charter schools, or any school affiliated educations for students, should be in consultation with the department of public health and develop a cost-neutral model medical emergency response plan in order to promote best practices for the teachers, students, parents, coaches, or any school staff members on the school campus.
- The model plan should also be developed by the American Heart Association, Pediatrics, Department of Public Health and other relevant organizations that are identified as components of a medical emergency response plan.
- The department shall update the model plan and post it on its website for the public to be informed.



**HB-942-HD-1**

Submitted on: 2/14/2023 9:06:53 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tassia avila	Individual	Support	Written Testimony Only

Comments:

As a future mother, I was extremely concerned knowing that my kids are at such a great risk at school without trained teachers for an emergency. I highly support this change in the legislation and I don't think we need to wait for a kid to die to then make a change.

**HB-942-HD-1**

Submitted on: 2/14/2023 9:27:36 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Evans	Individual	Support	Written Testimony Only

Comments:

This bill is critical for the safety of our keiki and school workers! It should be passed in it's entirety.

**HB-942-HD-1**

Submitted on: 2/15/2023 3:41:26 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Love	Individual	Support	Written Testimony Only

Comments:

Additionally, each school should instruct all teachers, housekeeping, secretaries a first aid course that includes: automated external defibrillators (aed) use, use of quick clot, cpr, Heinrich maneuver, use of epipens and use of inhalers. They should have aed, quick clot and basic first aid available.

Thank you, Mrs Ruth Love

**HB-942-HD-1**

Submitted on: 2/15/2023 3:46:39 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brittany Kalahiki	Individual	Support	Written Testimony Only

Comments:

My name is Brittany Kalahiki, a dear hanai ohana member of the Lunings and I was disheartened to learn through this authoring of the bill and a testimony submission (see below) that a lack of emergency health response within the DOE school system could have been a deciding factor in saving a young teen's life. As a clinical social worker providing mental health counseling services to young teens within mainland DOE schools, I am shocked to learn that we have prevention and intervention sources addressing emergency mental/behavioral health crises (of which has taken years to get to this place), yet in Hawaii we are lacking some of the most critical, cost-effective, and reasonable and basic emergency prevention services in health care. I am submitting this testimony to state that I am in **FULL SUPPORT** of passing of **HB942**, and recommend in support of the *revised bill to include all language in SB830 SD1*.

**Resubmission of previous testimony written 2/4/23 on behalf of my hanai 'ohana:**

"TO: The 2023 Hawai'i State Legislature RE: HB942 & SB830 Critical Medical Emergency Response in the Hawai'i Department of Education Public Schools To be very honest from the start, this legislation was authored, unfortunately, after a choking incident with our son. Our research has indicated that there are many other states that were not able to support this kind of reform until after a death and/or lawsuit. Fortunately, however, our son is alive and well and our 'ohana can continue to believe firmly in prevention as the best medicine.

In early January of this year our son, a public middle school student, began choking on a piece of pork that was a part of his school lunch and his teacher, rightfully and appropriately, responded by giving him abdominal thrusts and his airway was cleared enough for him to start breathing again. We got a call from the school nurse about 30 minutes after the lunch period saying he needed to be picked up because he was throwing up. It wasn't until we were in the Emergency Room at Pali Momi (where he could not stop vomiting) that we got an email from his teacher informing us of the full incident (this was about 3 hours later).

We would like to make it clear that we appreciate and support this teacher wholeheartedly, but this experience (especially the procedures and notification mechanisms) really jarred us, and we wanted to not only understand, but to help.

As we learned more and more (from the teacher, then the vice principals, then the principal, then the complex superintendent's office, and eventually the Director of Safety, Security and Emergency Preparedness for the Department of Education) about the technicalities of policies

and procedures around incidents of this type, we came to realize there really weren't any. It was at the safety directors' prompting that "statute would be important" that we proceeded.

So, we went to our community. Of the friends and family (all public-school parents) that we casually surveyed after this incident, 33 of 37 assumed this was already "a thing" (26 actually incorrectly thought all teachers were actually CPR/First Aid trained as a normative requirement). Folks just didn't know.

We then spoke with representatives from every relevant organization that we could think of before developing these bills, including reaching out directly to the Board of Education (BOE). Among many others we called the Hawai'i State Teachers Association (HSTA), the Hawai'i Government Employees Association (HGEA,) as well as the Occupational Services and Health Administration (OSHA) and the American Red Cross (ARC). We understand that there are complexities in our systems that are often difficult to navigate for large groups, such as the Department of Education, but not one person disagreed with this concept.

The language in these bills simply asks that all schools be required to have a critical medical emergency response PLAN and to practice it. NOT that all teacher/staff be trained in CPR/First Aid. NOT that all schools have the same blanket requirements. It creates consideration for unique ratios, campus size, and communication mechanisms. It is not financially burdensome (many organizations will even train school staff for free) and can fit in with currently existing drill schedules and quality improvement mechanisms. Previous legislation around CPR in schools has been more absolute and overarching.

Our family are several generations of "public school kids" from Hawai'i. Several of our family members are currently and have been public schoolteachers. Amanda works in social and human services in intergenerational trauma and early development, and Kainoa works for the Hawai'i National Guard Medivac. We are prevention people and KNOW from firsthand experience that planning and preparedness are literal LIFE SAVERS.

We honestly hope that passing this legislation is an uncontroversial and uncomplicated matter. Mahalo nui, Amanda & Kainoa Luning Public School Parents, Local Public Servants (AND firm believers that 'systems' are just people trying their best with what they have, and we should all really just help each other out!)"