

JAN 17 2014

SENATE RESOLUTION

ESTABLISHING A SENATE SPECIAL INVESTIGATIVE COMMITTEE TO CONDUCT AN INVESTIGATION OF THE WORKPLACE SAFETY OF PSYCHIATRIC WORKERS AND ALLEGATIONS OF ADMINISTRATIVE IMPROPRIETIES AND FAILURE TO CONFORM TO ESTABLISHED EMPLOYMENT POLICIES AND PRACTICES AT THE HAWAII STATE HOSPITAL.

1 WHEREAS, pursuant to section 26-13, chapter 334, and other
2 relevant and related provisions of the Hawaii Revised Statutes,
3 the Department of Health is responsible for the administration
4 of programs designed to protect, preserve, care for, and improve
5 the physical and mental health of the people of the State; and
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7 WHEREAS, the Department of Health operates and is
8 responsible for the operation of the Hawaii State Hospital, a
9 psychiatric facility, and for providing mental health treatment
10 and rehabilitation services and to ensure that such services are
11 provided by professional and well-trained employees in a manner
12 consistent with the rights of patients to privacy, respect, and
13 personal dignity, in a humane environment, free of
14 discriminatory treatment; and
15

16 WHEREAS, in 2008, the Legislature enacted Act 100, Session
17 Laws of Hawaii 2008 (Act 100), in response to recommendations
18 made by a task force that was convened by the Governor to
19 evaluate and recommend policy changes at the Hawaii State
20 Hospital; and
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22 WHEREAS, part II of Act 100, noted that "[p]atient to staff
23 assault at Hawaii state hospital has recently been an area of
24 heightened organizational focus and public scrutiny" and that
25 the hospital monitors and follows up on all instances of patient
26 to staff assault, monitors injuries, and "has a number of
27 continuing monitoring, supervisory and training processes
28 focused on decreasing the instances and severity of assault, and
29 staff and patient injury"; and
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31 WHEREAS, the Legislature, in response to the recommendation
32 of the task force, amended section 707-711, Hawaii Revised
33 Statutes, to specifically establish intentionally or knowingly



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1 causing bodily injury to an employee at a state-operated or
2 state-contracted mental health facility as assault in the second
3 degree, a class C felony; and
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5 WHEREAS, since the enactment of Act 100, members of the
6 Legislature have periodically received information of instances
7 of hospital staff injuries, failure or refusal to attend to or
8 treat, or monitor instances of staff injuries caused by patients
9 at the Hawaii State Hospital, and instances of employment
10 improprieties by administrative and supervisory personnel; and
11

12 WHEREAS, on November 20, 2013, several employees of the
13 Hawaii State Hospital informed Senators about their concerns
14 about workplace safety involving patient attacks on employees
15 and of alleged administrative and employment improprieties at
16 the Hawaii State Hospital; and
17

18 WHEREAS, on January 7, 2014, the Senate Committees on
19 Health and Judiciary and Labor held an informational briefing
20 to:
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- 22 (1) Receive an update on the state of violence against
23 Hawaii State Hospital workers;
24
- 25 (2) Explore staffing patterns at the Hawaii State Hospital
26 and plans to create a safe workplace; and
27
- 28 (3) Receive information about the spectrum of patients,
29 including violent offenders, at Hawaii State Hospital;
30 and
31

32 WHEREAS, the Departments of Health, Labor and Industrial
33 Relations, and Public Safety, the Hawaii State Hospital
34 Administration, injured workers, the State Judiciary, and others
35 were invited to participate in the informational briefing; and
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37 WHEREAS, at the informational briefing, the Hawaii State
38 Hospital Acting Administrator disclosed that there were nine
39 assaults on employees in November 2013 that resulted in physical
40 injury or emotional distress, but without causing any of the
41 workers to "lose time" at work; and
42

43 WHEREAS, at the informational briefing, employees alleged
44 that their supervisors discouraged reporting of injuries



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1 inflicted by patients, and were reprimanded for raising concerns
2 of workplace safety and improper employment practices; and
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4 WHEREAS, employees have further alleged that other
5 employees are afraid to reveal or discuss concerns as to their
6 workplace safety and administrative and employment improprieties
7 for fear of retaliation from their supervisors; and
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9 WHEREAS, the information received from the informational
10 briefing, together with employee allegations of concerns of
11 workplace safety, discouragement of reporting of injuries, and
12 threats of reprimand and retaliation raise serious concerns as
13 to the operation of the Hawaii State Hospital, a psychiatric
14 facility that is established and expressly intended to provide
15 mental health treatment and rehabilitation services and to
16 ensure that such services are provided by professional and well-
17 trained employees in a manner consistent with the rights of
18 patients to privacy, respect, and personal dignity, in a humane
19 environment, free of discriminatory practices and abusive
20 treatment; and
21

22 WHEREAS, section 21-3, Hawaii Revised Statutes, authorizes
23 the establishment of a legislative investigative committee by a
24 single house resolution, and Rule 13(3) of the Rules of the
25 Senate allows for the establishment of a special investigative
26 committee; now, therefore,
27

28 BE IT RESOLVED by the Senate of the Twenty-seventh
29 Legislature of the State of Hawaii, Regular Session of 2014,
30 that there is established a Senate special investigative
31 committee, pursuant to chapter 21, Hawaii Revised Statutes, to:
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- 33 (1) Investigate the workplace safety of all Hawaii State
34 Hospital psychiatric workers;
- 35
36 (2) Investigate the alleged Hawaii State Hospital
37 administrative and employment improprieties; and
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- 39 (3) Inquire into, gather, and analyze information,
40 including Hawaii State Hospital's personnel files,
41 that may provide relevant information concerning
42 worker safety and alleged administrative
43 improprieties; and
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1 BE IT FURTHER RESOLVED that the Senate special
2 investigative committee to investigate the workplace safety of
3 all psychiatric workers and alleged administrative and
4 employment improprieties at Hawaii State Hospital shall be
5 co-chaired by the Chairs of Health and Judiciary and Labor; and
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7 BE IT FURTHER RESOLVED that the membership of the Senate
8 special investigative committee to investigate the workplace
9 safety of all psychiatric workers and alleged administrative and
10 employment improprieties at Hawaii State Hospital comprise not
11 less than five members, including the Chairs of the Health and
12 Judiciary and Labor Committees, to be appointed by the President
13 of the Senate; and
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15 BE IT FURTHER RESOLVED that the Senate special
16 investigative committee to investigate the workplace safety of
17 all psychiatric workers and alleged administrative and
18 employment improprieties at Hawaii State Hospital shall have
19 every power and function allowed to an investigating committee
20 by law, including without limitation the power to:
21

- 22 (1) Adopt rules for the conduct of its proceedings;
- 23
- 24 (2) Issue subpoenas requiring the attendance and testimony
25 of witnesses and subpoenas duces tecum requiring the
26 production of books, documents, records, papers, or
27 other evidence in any matter pending before the
28 investigative committee;
- 29
- 30 (3) Hold hearings appropriate for the performance of its
31 duties, at such times and places as the investigative
32 committee determines;
- 33
- 34 (4) Administer oaths and affirmations to witnesses at
35 hearings of the investigative committee;
- 36
- 37 (5) Report or certify instances of contempt as provided in
38 section 21-14, Hawaii Revised Statutes;
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- 40 (6) Determine the means by which a record shall be made of
41 its proceedings in which testimony or other evidence
42 is demanded or adduced;
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