

STAND. COM. REP. NO.

2493

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 3077
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 3077
entitled:

"A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE
SERVICES,"

begs leave to report as follows:

The purpose of this measure is to provide immunity from
liability and workers' compensation for licensed medical personnel
providing volunteer medical services on behalf of the State or a
county.

Testimony in support of the measure was submitted by the
Department of Health and one individual. Testimony in opposition
of the measure was submitted by the Consumer Lawyers of Hawaii.

Your Committee finds that, currently, licensed medical
professionals provide volunteer services for and within the State.
Although such services are within the scope of their licenses,
these licensed individuals are not indemnified by the State when
responding in emergency situations. This liability can have a
chilling effect on the provision of critical volunteer medical
services by qualified individuals that are necessary to supplement
the State's own medical personnel, especially in the cases of
disasters or emergencies. This measure extends immunity from
liability and workers' compensation for licensed medical personnel
who provide volunteer medical services for the State or a county.
Your Committee determines that such immunity will help to develop
a strong volunteer workforce of medical professionals to support




public health interventions and for emergency medical surge capacity.

Testimony provided raised concerns regarding the need for clarification to ensure that the State indemnifies the negligent acts or omissions of volunteer medical assistance personnel to protect and provide relief for individuals suffering harm from such negligence.

Accordingly, your Committee has amended this measure by inserting clarifying language regarding the State's or county's liability with respect to the negligent acts or omissions of volunteer medical assistance personnel.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3077, S.D. 1, and be referred to the Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health,




DAVID Y. TIGE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
SB 3077	HTH	02-13-08
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
IGE, David Y. (C)	✓	
FUKUNAGA, Carol (VC)	✓	
BAKER, Rosalyn H.	✓	
MENOR, Ron	✓	
WHALEN, Paul		✓
TOTAL	4	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes