

STAND. COM. REP. NO.

2824

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3077
S.D. 2

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

Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 3077, S.D. 1, entitled:

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

beg leave to report as follows:

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

Your Committees received testimony in support of this measure from the Department of Health.

This measure covers physicians, psychologists, nurses, emergency medical technicians, social workers, and mobile intensive care technicians.

Currently, 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 entitlement to workers' compensation coverage for licensed medical personnel who provide



volunteer medical services for the State or a county. Your Committees determine this will help to develop a strong volunteer workforce of medical professionals to support public health interventions and enhance emergency medical surge capacity.

This measure provides volunteer medical assistance personnel immunity from liability for death, injury, or property damage arising from acts or omissions in the course of rendering services, except for willful or criminal misconduct, gross negligence, or reckless conduct. This measure further provides that in the event of death, injury, or property damage arising from a negligent act or omission, volunteer medical service personnel are immune from liability, but the State or county may be sued for damages and held responsible under the doctrine of respondeat superior.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to allow further consideration of the sufficiency of protection this measure affords to members of the public in the event of accidental death, injury, or property damage; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3077, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 3077, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



ROSALYN H. BAKER, Chair



BRIAN T. TANIGUCHI, Chair



