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In reply, please refer to:
File:

House Committee on Health

SB 3077 SD2, Relating to Volunteer Medical Assistance Services

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

March 19, 2008, 8:30 a.m.

1 **Department's Position:** This is an administration proposal that the Department strongly supports.

2 **Fiscal Implications:** No impact, except in cases of injuries or deaths to volunteers covered by this
3 measure.

4 **Purpose and Justification:** This measure would provide immunity from liability and workers'
5 compensation for licensed medical personnel providing volunteer services in non-emergency situations,
6 such as school-based immunization clinics, on behalf of the State or a county. Volunteer workers who
7 hold medical licenses and who are performing volunteer activities within the scope of their license are
8 indemnified under Hawaii law when responding to an emergency, but are not protected from liability if
9 they are volunteering for the State for a non-emergency activity, including training for future volunteer
10 service. Lack of indemnification in non-emergency activities may mean that these valuable workers will
11 not participate as state volunteers, thereby limiting the ability of the State to draw upon their skills as a
12 critical public health resource.

13 To further clarify the measure, the Department respectfully suggests that additional language be
14 included to specify that volunteer medical assistance personnel shall be deemed state or county
15 employees for liability and workers' compensation purposes only. Specifically, the Department
16 suggests amending SB3077 SD2, beginning on page one, line sixteen, to read "deemed state or county

1 employees for purposes limited to this chapter and chapter 386 only, as the case may be, and shall have
2 the powers, duties, rights, and privileges of such in the performance of their duties as prescribed by or
3 under the authority of the governor or a county."

4 The Department also respectfully requests that the measure be allowed to take effect upon
5 approval.

6 Thank you for the opportunity to testify.