

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Health

SB 0930, Relating to Volunteer Medical Assistance Services

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

March 13, 2009, 9:30 a.m.

1 **Department's Position:** The Department of Health strongly supports this Administration sponsored
2 measure.

3 **Fiscal Implications:** No impact.

4 **Purpose and Justification:** This measure would provide immunity from liability and coverage of
5 medical expenses for licensed medical personnel providing volunteer services in non-emergency
6 situations, such as school-based immunization clinics, on behalf of the State or a county. Volunteer
7 workers who hold medical licenses and who are performing volunteer activities within the scope of their
8 license are indemnified under Hawaii law when responding to an emergency, but are not protected from
9 liability if they are volunteering for the State for a non-emergency activity, even if this activity serves as
10 training for future emergency response. Lack of coverage for professional liability may mean that these
11 valuable workers will not participate as state volunteers, thereby limiting the ability of the State to draw
12 upon their skills as a critical public health resource. The coverage of medical expenses under this bill
13 does not represent an expansion of benefits as it is identical to that offered to State and county
14 volunteers under existing law.

15 Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Health

March 13, 2009 at 9:30 am

By

Virginia S. Hinshaw, Chancellor
and

Jerris Hedges, M.D., M.S. MMM
Dean and Professor

John A. Burns School of Medicine
Barry & Virginia Weinman Endowed Chair
University of Hawai'i at Mānoa

SB 930 RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES

Thank you Chair Yamane, Vice Chair Nishimoto, and members of the House Committee on Health, for the opportunity to testify today.

The University of Hawai'i at Mānoa supports the intent of Senate Bill 930, which provides protections to healthcare workers volunteering emergency services that are consistent with Good Samaritan practices elsewhere, provided it does not adversely affect our UH priorities as set in our budget request, most notably in health and safety and repairs and maintenance issues. Addressing these urgent needs is critical to our ability to perform our core mission for the State of Hawai'i.

We recognize that you have many priorities and issues to weigh for the state, so the following substantive information on this program is provided to assist you in your decision-making process.

We believe SB 930 will protect those healthcare workers who come to the aid of their community in times of crises anywhere in Hawai'i.

SB 930 will also protect those healthcare workers who volunteer to help the Hawai'i State Department of Health with important vaccination efforts.

The bill also strikes a balance with patient's rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct.

We appreciate all interest in the University, and want to emphasize that we will be able to perform better in all arenas and best serve the state with support of the current campus priorities approved by the Board of Regents.

Thank you for the opportunity to testify on this matter.