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## A BILL FOR AN ACT

RELATING TO TRAUMA.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature has recognized that in Hawaii  
2 injury is the leading cause of death for persons between the  
3 ages of one to forty-four and, therefore, the improvement of  
4 trauma care in Hawaii is a public health priority.

5           By Act 305, Session Laws of Hawaii 2006, the department of  
6 health was charged with the continuing development and operation  
7 of a comprehensive statewide trauma system in order to save  
8 lives and improve outcomes of injured patients. To improve  
9 patient care, a comprehensive trauma system requires the  
10 systematic review of information related to patient care and  
11 system performance by all parties involved in a protected  
12 environment that supports participation and frank discussion.  
13 The importance of protecting peer review of health care provided  
14 is recognized in Hawaii by statute in section 624-25.5, Hawaii  
15 Revised Statutes. The department of health's child death review  
16 is also protected under sections 321-341 and 321-345, Hawaii  
17 Revised Statutes. This measure seeks to establish that  
18 statewide emergency and trauma system multiagency and

1 multidisciplinary quality assurance and peer review committees  
2 convened and conducted by the department of health for the  
3 purposes of improving patient care, have similar protections as  
4 those committees formed by hospitals and health maintenance  
5 organizations.

6 SECTION 2. Section 321-230, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§321-230 Technical assistance, data collection,**  
9 **evaluation.** (a) The department may contract for technical  
10 assistance and consultation, including but not limited to  
11 categorization, data collection, and evaluation appropriate to  
12 the needs of the state system. The collection and analysis of  
13 statewide emergency medical services data, including pediatrics,  
14 trauma, cardiac, medical, and behavioral medical emergencies,  
15 shall be for the purpose of improving the quality of services  
16 provided.

17 The department may implement and maintain a trauma registry  
18 for the collection of information concerning the treatment of  
19 critical trauma patients at state designated trauma centers, and  
20 carry out a system for the management of that information. The  
21 system may provide for the recording of information concerning  
22 treatment received before and after a trauma patient's admission  
23 to a hospital or medical center. All state designated trauma

1 centers shall submit to the department [~~of health~~] periodic  
2 reports of each patient treated for trauma in the state system  
3 in such manner as the department shall specify.

4 In order to analyze, evaluate, and improve the statewide  
5 trauma system and the services it provides to the public, the  
6 department may form multidisciplinary and multiagency quality  
7 assurance and peer review committees that shall be exempt from  
8 chapter 92. These committees shall comprise representatives of  
9 trauma, emergency, and tertiary care providers and agencies and  
10 shall review patient care records and system performance and  
11 make recommendations to the department for system improvement.

12 For the purposes of this subsection, "categorization" means  
13 systematic identification of the readiness and capabilities of  
14 hospitals and their staffs to adequately, expeditiously, and  
15 efficiently receive and treat emergency patients.

16 (b) The department shall establish, administer, and  
17 maintain an aeromedical emergency medical services system  
18 designed to collect and analyze data to measure the efficiency  
19 and effectiveness of each phase of an emergency aeromedical  
20 program.

21 The aeromedical emergency medical services system shall  
22 serve the emergency health needs of the people of the State by  
23 identifying:

- 1 (1) The system's strengths and weaknesses;  
2 (2) The allocation of resources; and  
3 (3) The development of rotary-wing emergency aeromedical  
4 services standards;

5 provided that emergency helicopter use, including triage  
6 protocols, shall be based on national aeromedical triage and  
7 transport guidelines established by the Association of Air  
8 Medical Services, the American College of Surgeons and the  
9 National Association of Emergency Medical Service Physicians.  
10 The department, in the implementation of this subsection, shall  
11 plan, coordinate, and provide assistance to all entities and  
12 agencies, public and private, involved in the system.

13 (c) The department shall use an emergency aeromedical  
14 services quality improvement committee comprised of  
15 representatives of trauma, emergency, and tertiary care  
16 physicians and providers to analyze information collected from  
17 the aeromedical quality improvement performance measures as  
18 established by the American College of Surgeons, and to  
19 recommend system standards and resources to maintain and improve  
20 the Hawaii emergency aeromedical services system.

21 (d) No individual participating in the review of patient  
22 care records and system performance as part of the department's  
23 quality assurance, quality improvement, and peer review

1 committees as set forth in this part may be questioned in any  
2 civil or criminal proceeding regarding information presented in  
3 or opinions formed as a result of participation in those  
4 reviews. Nothing in this subsection shall be construed to  
5 prevent a person from testifying to information obtained  
6 independently of the department's multidisciplinary and  
7 multiagency review of patient care records and system  
8 performance, or which is public information, or where disclosure  
9 is required by law or court order.

10 (e) Information held by the department as a result of  
11 patient care records and system performance reviews conducted  
12 under this part is not subject to chapter 92F, subpoena,  
13 discovery, or introduction into evidence in any civil or  
14 criminal proceeding, except that patient care records and system  
15 performance review information otherwise available from other  
16 sources is not immune from chapter 92F, subpoena, discovery, or  
17 introduction into evidence through those sources solely because  
18 they were provided as required by this part.

19 (f) To the extent that this section conflicts with other  
20 state confidentiality laws, this section shall prevail."

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

H.B. NO. 2575

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SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Wendy M. My

BY REQUEST

JAN 25 2010

**Report Title:**

Trauma

**Description:**

Provide statutory protection from discovery for the Department of Health trauma care multiagency and multidisciplinary peer review and quality assurance committees.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO TRAUMA.

PURPOSE: Provide statutory authority for the Department of Health to protect from discovery the records and proceedings of comprehensive statewide trauma system multiagency and multihospital peer review and quality improvement committees.

MEANS: Amend section 321-230, Hawaii Revised Statutes (HRS).

JUSTIFICATION: While section 624-25.5, HRS, provides protection from discovery for peer review committees and quality assurance committees, it does not specifically protect multiagency and multihospital statewide committees necessary for a system-wide quality improvement process.

Impact on the public: Improve the statewide trauma care system.

Impact on the department and other agencies: The department has already begun the development of the comprehensive statewide trauma system with trauma system special funds. This measure will assist the department's work in improving the quality of trauma care provided within our state. No additional impact is anticipated due to this measure.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-730.

OTHER AFFECTED AGENCIES: None.



EFFECTIVE DATE: Upon approval.