

JAN 25 2010

§.B. NO. 2728

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.

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

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INTRODUCED BY:

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BY REQUEST

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.