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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  
2 subcommittees convened and conducted by the department of health  
3 for the purposes of making system improvements, have similar  
4 protections as those committees formed by hospitals and health  
5 maintenance 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[7]  
20 and carry out a system for the management of that information.  
21 The system may provide for the recording of information  
22 concerning treatment received before and after a trauma



1 patient's admission to a hospital or medical center. All state  
2 designated trauma centers shall submit to the department [of  
3 health] periodic reports of each patient treated for trauma in  
4 the state system in such manner as the department shall specify.

5 The department may form multidisciplinary and multiagency  
6 advisory committees to analyze, evaluate, and recommend  
7 improvements to the statewide trauma system and the services it  
8 provides to the public. Advisory committees shall be comprised  
9 of representatives of trauma, emergency, and tertiary care  
10 providers and organizations. Within any advisory committee, a  
11 system performance review subcommittee may be created for the  
12 express purpose of reviewing confidential patient care records  
13 and related documents in order to make recommendations on  
14 improvements to the trauma care system and quality care of  
15 providers. A system performance review subcommittee shall be  
16 exempt from chapter 92.

17 For the purposes of this subsection, "categorization" means  
18 systematic identification of the readiness and capabilities of  
19 hospitals and their staffs to adequately, expeditiously, and  
20 efficiently receive and treat emergency patients.

21 (b) The department shall establish, administer, and  
22 maintain an aeromedical emergency medical services system



1 designed to collect and analyze data to measure the efficiency  
2 and effectiveness of each phase of an emergency aeromedical  
3 program.

4 The aeromedical emergency medical services system shall  
5 serve the emergency health needs of the people of the State by  
6 identifying:

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

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

19 (c) The department shall use an emergency aeromedical  
20 services quality improvement committee comprised of  
21 representatives of trauma, emergency, and tertiary care  
22 physicians and providers to analyze information collected from



1 the aeromedical quality improvement performance measures as  
2 established by the American College of Surgeons, and to  
3 recommend system standards and resources to maintain and improve  
4 the Hawaii emergency aeromedical services system.

5 (d) No member of a system performance review subcommittee  
6 who reviewed confidential patient care records and related  
7 documents and participated in making recommendations for  
8 improvements to the trauma care system and quality care of  
9 providers may be compelled to testify in any civil or criminal  
10 proceeding regarding the information reviewed by the  
11 subcommittee or basis for the recommendations presented as a  
12 result of the review. Nothing in this subsection shall be  
13 construed to prevent a person from testifying to information  
14 obtained independently of participation in a review by a system  
15 performance review subcommittee, to public information, or when  
16 the disclosure is required by law or court order. The  
17 prohibition relating to testimony shall not apply to statements  
18 made by any person in attendance at a system performance review  
19 subcommittee meeting who is a party or percipient witness in an  
20 action or proceeding the subject matter of which was reviewed at  
21 the meeting.



1       (e) Confidential patient care records and related  
2 documents held by the department that were reviewed by a system  
3 performance review subcommittee are confidential and not subject  
4 to disclosure through subpoena, discovery, or introduction into  
5 evidence in any civil or criminal proceeding, except upon a  
6 showing by clear and convincing evidence that patient care  
7 records and related documents are not otherwise available from  
8 other sources. Patient care records and related documents are  
9 not deemed to be confidential or immune from subpoena,  
10 discovery, or introduction into evidence through other sources  
11 solely because they were reviewed by a system performance review  
12 subcommittee. Nothing in this subsection shall prohibit from  
13 subpoena, discovery, or introduction into evidence any original  
14 sources of information and data including recommendations for  
15 system performance improvements and quality care, incident  
16 reports, occurrence reports, statements, or similar reports that  
17 state facts concerning a specific situation and records made in  
18 the regular course of business by trauma, emergency, or health  
19 care providers, including patient medical records.

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



1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect July 1, 2050.

4



**Report Title:**

Trauma

**Description:**

Authorized the Department of Health to form multidisciplinary and multiagency advisory committees to recommend improvements to the statewide trauma system; provides statutory protection from discovery for advisory committees. Effective 7/1/50. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

