

STAND. COM. REP. NO.

461

Honolulu, Hawaii

FEB 19, 2009

RE: H.B. No. 1636

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1636  
entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL PHYSICIANS,"

begs leave to report as follows:

The purpose of this bill is to provide additional protection  
for physicians who render medical services in emergency situations  
involving an immediate threat of death or serious bodily injury.

Specifically, this bill broadens the scope of the grant of  
immunity from civil action to a licensed physician for providing  
good faith emergency medical care in a hospital by extending that  
immunity to care for a person who has a serious bodily injury,  
while the person has still not been discharged from the hospital,  
and to care for a person who is in immediate danger of loss of  
life, unless the danger results from the physician's gross  
negligence or wanton acts or omissions. The bill also clarifies  
that the immunity extends to emergency obstetrical medical care  
given under the same conditions, where the patient has not  
received prenatal care or has never been a patient of the  
physician.

Your Committee received testimony in support of this bill  
from the Department of Commerce and Consumer Affairs, The Queen's  
Medical Center, the Hawaii Medical Association, and the Hawaii  
Association of Health Plans. The Hawaii Association for Justice  
submitted testimony in opposition. One individual offered  
comments.

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Your Committee finds that this bill establishes a uniform standard of care governing exceptions to tort liability with regard to emergency medical care, including emergency obstetrical medical care, provided by a licensed physician under certain circumstances. Similar exceptions are currently given to "good Samaritans," publishers of public service information on emergency first aid treatment, and trained individuals who administer aid with automatic external defibrillators. Your Committee finds that this bill will also help remove barriers to the recruitment and retention of emergency room physicians in the State.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1636 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
RYAN I. YAMANE Chair



HSCR 461

State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

Record of Votes of the Committee on Health

<b>Bill/Resolution No.:</b> HB 1636	<b>Committee Referral:</b> HLT, JUD	<b>Date:</b> 2-10-09
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. BELATTI, Della Au	/			
4. BERTRAM, Joe, III	/			
5. BROWER, Tom	/			
6. CARROLL, Mele				/
7. MIZUNO, John M.	/			
8. SHIMABUKURO, Maile S.L.	/			
9. FINNEGAN, Lynn	/			
TOTAL (9)	8			1

The recommendation is:  Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: 

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