

STAND. COM. REP. NO.

2262

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2728  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2728  
entitled:

"A BILL FOR AN ACT RELATING TO TRAUMA,"

begs leave to report as follows:

The purpose of this measure is to establish statewide  
emergency and trauma system multiagency and multidisciplinary  
quality assurance and peer review committees convened by the  
Department of Health for the purposes of improving patient care.

This measure further provides that these committees are  
exempt from chapter 92, Hawaii Revised Statutes, that individuals  
on these committees may not be questioned in civil or criminal  
proceedings regarding information learned as a result of  
involvement with those committees, and information held by the  
Department of Health as a result of the work of these committees  
is not subject to chapter 92F, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure  
from the Department of Health, American Medical Response, Kona  
Community Hospital, The Queen's Medical Center, the Healthcare  
Association of Hawaii, the Honolulu Emergency Services Department,  
and three individuals. Your Committee received testimony in  
opposition to this measure from the Hawaii Association for  
Justice. The Office of Information Practices submitted testimony  
with comments on this measure. Written testimony presented to the  
Committee may be reviewed on the Legislature's website.



Your Committee finds that statewide emergency and trauma system multiagency and multidisciplinary quality assurance and peer review committees convened by the Department of Health will improve patient care. Your Committee further finds that to ensure patient privacy and to encourage participation on these committees, members of subcommittees established to make recommendations to the Department for system improvements should be provided protection from being questioned in civil or criminal proceedings about information learned on these subcommittees. For the same purpose, the Department of Health's records from these committees shall be exempt from chapter 92F, Hawaii Revised Statutes, or subpoena, discovery, or introduction into evidence in criminal or civil proceedings.

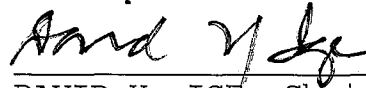
Your Committee has amended this measure by:

- (1) Clarifying that not all multidisciplinary and multiagency quality assurance and peer review committees convened by the Department of Health are exempt from chapter 92, Hawaii Revised Statutes, and questioning in civil and criminal proceedings, but that only those subcommittees of quality assurance and peer review committees that examine patient care records and system performance are exempted;
- (2) Inserting an effective date of July 1, 2050 to encourage further discussion on this matter; and
- (3) Making technical, nonsubstantive changes to insure clarity and accuracy in the language of this measure.

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 S.B. No. 2728, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2728, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



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



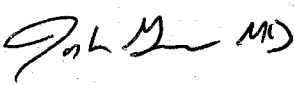
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DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB2728</b>	Committee Referral: <b>HTH, J60</b>	Date: <b>2/8/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes