



GOV. MSG. NO. 1280

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 1, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

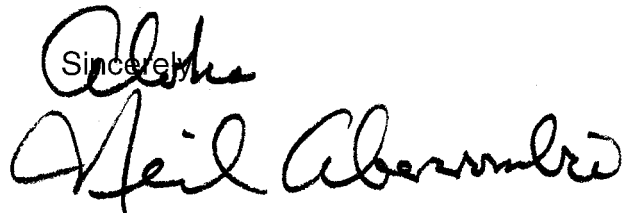
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 1, 2011, the following bill was signed into law:

HB597 HD1 SD1 CD1

RELATING TO HEALTH CARE.  
**Act 176 (11)**

Sincerely,  
  
NEIL ABERCROMBIE  
Governor, State of Hawaii

on JUL 1 2011

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

ACT 176  
H.B. NO. 597  
H.D. 1  
S.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1           SECTION 1. The Healthcare Association of Hawaii has  
2 established a patient safety and quality committee whose mission  
3 is to improve the quality of health care delivered by the full  
4 range of provider organizations represented by Healthcare  
5 Association of Hawaii members. The committee, which includes  
6 representatives of hospitals, nursing homes, home care agencies,  
7 and hospices, would like to examine medical cases that apply to  
8 various types of provider organizations. However, to ensure  
9 full and free discussion, information about the cases must be  
10 protected from its potential use in medical malpractice  
11 lawsuits.

12           The importance of protecting peer review and quality  
13 assurance of health care is recognized in Hawaii by statute in  
14 section 624-25.5, Hawaii Revised Statutes, which provides that  
15 such proceedings and records shall not be subject to discovery.  
16 The intent of this Act is to encourage robust discussion that  
17 leads to changes in health care policies, procedures, or  
18 practices. The absence of these protections would limit

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1 discussion and therefore limit improvements in the quality of  
2 health care.

3       Until recently, this protection was restricted to  
4 committees created by individual health care facilities.  
5 However, Act 133, Session Laws of Hawaii 2010, extended  
6 protection to multidisciplinary quality assurance committees  
7 convened and conducted by the department of health to monitor,  
8 improve, and evaluate emergency and trauma systems.

9       The purpose of this Act is to establish that the  
10 proceedings and records of interdisciplinary quality assurance  
11 committees composed of members from various health care  
12 organizations have similar protections as those committees  
13 formed by hospitals, health maintenance organizations, and  
14 statewide trauma care systems.

15       SECTION 2. Section 624-25.5, Hawaii Revised Statutes, is  
16 amended by amending the definition of "quality assurance  
17 committee" to read as follows:

18       "Quality assurance committee" means [a~~n~~]:

19       (1) An interdisciplinary committee established by the  
20 board of trustees or administrative staff of a  
21 licensed hospital, clinic, long-term care facility,  
22 skilled nursing facility, assisted living facility,



1 home care agency, hospice, health maintenance  
2 organization, preferred provider organization,  
3 preferred provider network providing medical, dental,  
4 or optometric care, or an authorized state agency  
5 whose function is to monitor and evaluate patient  
6 care[-] to identify, study, and correct deficiencies  
7 in the health care delivery system [~~to reduce~~], with a  
8 goal of reducing the risk of harm to patients [and  
9 improve], improving patient safety, or otherwise  
10 [improve] improving the quality of care delivered to  
11 patients[-]; or

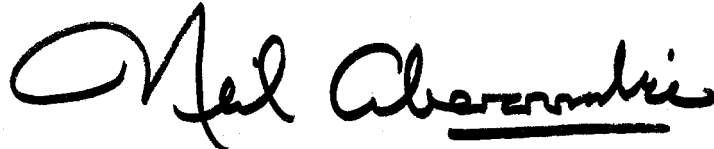
12 (2) An interdisciplinary committee composed of  
13 representatives of organizations described in  
14 paragraph (1) that is established collectively by the  
15 boards of trustees or administrative staff of these  
16 organizations, and whose function is to monitor and  
17 evaluate patient care to identify, study, and correct  
18 deficiencies in the health care delivery system, with  
19 a goal of reducing the risk of harm to patients,  
20 improving patient safety, or otherwise improving the  
21 quality of care delivered to patients."



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 upon its approval.

APPROVED this 1 day of JUL , 2011



GOVERNOR OF THE STATE OF HAWAII

