

STAND. COM. REP. NO.

1215

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 597
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 597, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

begs leave to report as follows:

The purpose of this measure is to expand the definition of "quality assurance committee" to include interdisciplinary quality assurance committees composed of members from various health care organizations. The intent of this measure is to establish that the proceedings and records of interdisciplinary quality assurance committees composed of members from various health care organizations have similar protections as those committees formed by hospitals, health maintenance organizations, and statewide trauma care systems.

Your Committee received testimony in support of this measure from The Queen's Medical Center and Healthcare Association of Hawaii.

Your Committee finds that robust discussion leads to changes in health care policies, procedures, or practices and, in order to encourage such robust discussions, there is a need to protect peer review and quality assurance discussions on health care from their potential use in medical malpractice lawsuits.

Your Committee heard concerns regarding the impact that this measure may have on discoverable information. Your Committee



asserts that this measure does not seek to change discovery rules; rather, the goal of this measure is to encourage collaborative discussions regarding health care policies, procedures, and practices. Accordingly, the expansion of the definition of "quality assurance committee" to include representatives of different groups of organizations does not alter the limited scope of confidentiality accorded in section 624-25.5 (c) and (d), Hawaii Revised Statutes. Quality assurance committees may not prevent discovery of otherwise discoverable information and material simply by using or considering the information or material in its proceedings.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 597, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



