

ACT 176

H.B. NO. 597

A Bill for an Act Relating to Health Care.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

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

The purpose of this Act 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.

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

““Quality assurance committee” means ~~an~~:

- (1) An interdisciplinary committee established by the board of trustees or administrative staff of a licensed hospital, clinic, long-term care facility, skilled nursing facility, assisted living facility, home care agency, hospice, health maintenance organization, preferred provider organization, preferred provider network providing medical, dental, or optometric care, or an authorized state agency whose function is to monitor and evaluate patient care to identify, study, and correct deficiencies in the health care delivery system with a goal of reducing the risk of harm to patients, improving patient safety, or otherwise improving the quality of care delivered to patients; ~~to reduce, improve, or otherwise improve the quality of care delivered to patients;~~ or
- (2) An interdisciplinary committee composed of representatives of organizations described in paragraph (1) that is established collectively by the boards of trustees or administrative staff of these organizations, and whose function is to monitor and evaluate patient care to identify, study, and correct deficiencies in the health care delivery system, with a goal of reducing the risk of harm to patients, improving patient safety, or otherwise improving the quality of care delivered to patients.”

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

SECTION 4. This Act shall take effect upon its approval.
(Approved July 1, 2011.)