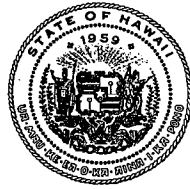


SB 930

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

SB 0930, Relating to Volunteer Medical Assistance Services

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 18, 2009, 3:15 p.m.

1 **Department's Position:** The Department of Health strongly supports this Administration sponsored
2 measure.

3 **Fiscal Implications:** No impact, except in cases of injuries or deaths to volunteers covered by this
4 measure.

5 **Purpose and Justification:** This measure would provide immunity from liability and coverage of
6 medical expenses for licensed medical personnel providing volunteer services in non-emergency
7 situations, such as school-based immunization clinics, on behalf of the State or a county. Volunteer
8 workers who hold medical licenses and who are performing volunteer activities within the scope of their
9 license are indemnified under Hawaii law when responding to an emergency, but are not protected from
10 liability if they are volunteering for the State for a non-emergency activity, even if this activity serves as
11 training for future emergency response. Lack of coverage for professional liability may mean that these
12 valuable workers will not participate as state volunteers, thereby limiting the ability of the State to draw
13 upon their skills as a critical public health resource.

14 Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Health

February 18, 2009 at 3:15 pm

By

Jerris Hedges, M.D., M.S. MMM

Dean and Professor

John A. Burns School of Medicine

Barry & Virginia Weinman Endowed Chair

University of Hawai'i at Mānoa

SB 930 RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES

Thank you Chair Ige, Vice Chair Green, and members of the Senate Committee on Health, for the opportunity to testify today.

The University of Hawai'i at Mānoa supports the intent of Senate Bill 930, which provides protections to healthcare workers volunteering emergency services that are consistent with Good Samaritan practices elsewhere, provided it does not adversely affect our UH priorities as set in our budget request, most notably in health and safety and repairs and maintenance issues. Addressing these urgent needs is critical to our ability to perform our core mission for the State of Hawai'i.

We recognize that you have many priorities and issues to weigh for the state, so the following substantive information on this program is provided to assist you in your decision-making process.

We believe SB 930 will protect those healthcare workers who come to the aid of their community in times of crises anywhere in Hawai'i.

SB 930 will also protect those healthcare workers who volunteer to help the Hawai'i State Department of Health with important vaccination efforts.

The bill also strikes a balance with patient's rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct.

We appreciate all interest in the University, and want to emphasize that we will be able to perform better in all arenas and best serve the state with support of the current campus priorities approved by the Board of Regents.

Thank you for the opportunity to testify on this matter.

Senate Bill 930
February 18, 2008, 3:15p.m.
Senate Committee on Health

Thank you Chair, Senator David Ige, Vice Chair Senator Josh Green and members of the Senate Committee on Health, for this opportunity to testify on Senate Bill 930, which provides protections to healthcare workers volunteering emergency services that are consistent with Good Samaritan practices elsewhere.

I am testifying as a physician with lifelong experience in Emergency Medicine. I am currently Dean of the John A. Burns School of Medicine at the University of Hawai'i at Mānoa.

I believe SB 930 will protect those healthcare workers who come to the aid of their community in times of crises anywhere in Hawai'i.

Also, SB 930 will protect those healthcare workers who volunteer to help the department of health with important vaccination efforts.

The bill also strikes a balance with patient's rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct.

Thank you for the opportunity to testify on this matter.

Jerris Hedges, MD, MS, MMM
Dean and Professor, John A. Burns School of Medicine
Barry & Virginia Weinman Endowed Chair

Written Testimony Presented Before the
Senate Committee on Health

February 18, 2009 at 3:15 pm

By

William F. Haning, III, M.D., FASAM, DFAPA

SB 930 RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES

Thank you, Chair Senator David Ige, Vice Chair Senator Josh Green, and members of the Senate Committee on Health, for this opportunity to testify on **Senate Bill 930**, which provides protections to healthcare workers volunteering services.

I am testifying as a physician with lifelong experience in Emergency Medicine and in Psychiatry. In disclosure, I am currently Director, Graduate Affairs, in the Office of the Dean, as well as a faculty member of the Department of Psychiatry, John A. Burns School of Medicine (JABSOM) at the University of Hawai'i at Mānoa; and the Deputy Command Surgeon, U.S. Marine Corps Forces Pacific. I offer this testimony as a private citizen.

Recent events have impressed upon all those in the emergency and disaster relief community our isolation as a state, and the fragility of our supports. When a common disaster occurs – “common” in the sense of precedented and inevitable – Hawai'i's health care institutions will be immediately overburdened. Every care provider will be required. Deaths and disabilities will be the price of unpreparedness. Had the 1992 Iniki hurricane struck Oahu rather than Kaua'i, islands of similar size but with a 20-fold disparity in population, the consequences of trauma and of competition for resources would likely have been devastating and gruesome. We have little effective reserve with which to manage this, 2500 miles from the continental United States. Anticipatory training and practice in coordinated group service are essential.

My particular interest in this bill stems from recognizing the medical school's role as the institutional sponsor of approximately 250 physicians-in-training, independent of faculty physicians. These resident physicians are qualified MDs who are enrolled in surgical, medical,

and other residencies but who may not practice beyond the scope of their assigned duties. They are formally employed by Hawai'i Residency Programs, Inc., which is the fiscal intermediary for JABSOM. Restrictions on their training contracts limits them to an 80-hour work week, supervision by faculty physicians, and limited indemnification both for liabilities incurred and for injuries suffered in the course of their training.

As of this writing, there is no instrument which explicitly protects either the patients or the resident (trainee) physicians in the course of extra-curricular training for such an emergency. Effectively, that pool of 250 physicians would be unavailable to the State for non-emergent volunteer services, and may be unavailable for emergent medical services in the event of a disaster except in the most limited sense of supervised services in their training sites. Equally importantly, they cannot receive extracurricular disaster training that would incur any occupational hazard. HRS 128 and HRS 321 do not address the issue of indemnification for this workforce in this context, which SB 930 remedies. While I am addressing the needs of physicians, it is noteworthy that the same considerations apply to licensed healthcare workers of all stripes: nurses, social workers, psychologists, dentists, podiatrists among them.

I believe SB 930 will protect those healthcare workers who train to come to the aid of their community in times of crises anywhere in Hawai'i. This is independent of any protections currently in place for members of the Medical Reserve Corps, the Disaster Management Assistance Teams, or the Urban Search and Rescue Teams, all of which would provide vital but limited and focal capabilities in the face of a large-scale disaster. Also, SB 930 will protect those healthcare workers who volunteer to help the department of health with important vaccination, epidemiologic prevention, and health screening efforts.

The bill also strikes a balance with patient's rights, in that it does not diminish the legal rights of those who were inadvertently harmed when assisted by such volunteers given there is willful or criminal misconduct, gross negligence or reckless misconduct.

Thank you for the opportunity to testify on this matter.

William F. Haning, III, MD, DFAPA, FASAM

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