



GOV. MSG. NO. **591**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 24, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 24, 2010, the following bill was signed into law:

HB2575 HD2 SD2 CD1

A BILL FOR AN ACT  
RELATING TO TRAUMA.  
**ACT 133 (10)**

Sincerely,



LINDA LINGLE

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# A BILL FOR AN ACT

RELATING TO TRAUMA.

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

1           SECTION 1. The legislature has recognized that in Hawaii,  
2 injury is the leading cause of death for persons between the  
3 ages of one to forty-four, and, therefore, the improvement of  
4 trauma care in Hawaii is a public health priority.

5           By Act 305, Session Laws of Hawaii 2006, the department of  
6 health was charged with the continuing development and operation  
7 of a comprehensive statewide trauma system to save lives and  
8 improve outcomes of injured patients. To improve patient care,  
9 a comprehensive trauma system requires the systematic review of  
10 information related to patient care and system performance by  
11 all parties involved, in a protected environment that supports  
12 participation and frank discussion. The importance of  
13 protecting peer review and quality assurance of health care  
14 provided is recognized in Hawaii by statute in section 624-25.5,  
15 Hawaii Revised Statutes. The department of health's child death  
16 review is also protected under sections 321-341 and 321-345,  
17 Hawaii Revised Statutes.



1 The purpose of this measure is to establish that statewide  
2 emergency and trauma system multidisciplinary quality assurance  
3 subcommittees convened and conducted by the department of health  
4 for the purposes of making system improvements, have similar  
5 protections as those committees formed by hospitals and health  
6 maintenance organizations.

7 SECTION 2. Section 624-25.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§624-25.5 Proceedings and records of peer review**  
10 **committees and quality assurance committees.** (a) As used in  
11 this section:

12 "Case review forum" means any meeting convened by the  
13 administrative or professional staff of a licensed hospital or  
14 clinic for the presentation and critique of cases for  
15 educational purposes.

16 "Health care review organization" means any organization  
17 that gathers and reviews information relating to the procedures  
18 and outcomes of health care providers and the care and treatment  
19 of patients for the purposes of evaluating and improving quality  
20 and efficiency of health care.

21 "Licensed health maintenance organization" means a health  
22 maintenance organization licensed in Hawaii under chapter 432D.



1 "Peer review committee" means a committee created by a  
2 professional society, or by the medical, dental, optometric, or  
3 administrative staff of a licensed hospital, clinic, health  
4 maintenance organization, preferred provider organization, or  
5 preferred provider network, whose function is to maintain the  
6 professional standards of persons engaged in its profession,  
7 occupation, specialty, or practice established by the bylaws of  
8 the society, hospital, clinic, health maintenance organization,  
9 preferred provider organization, or preferred provider network  
10 of the persons engaged in its profession [ø], occupation, or  
11 area of specialty practice, or in its hospital, clinic, health  
12 maintenance organization, preferred provider organization, or  
13 preferred provider network.

14 "Preferred provider organization" or "preferred provider  
15 network" means a partnership, association, corporation, or other  
16 entity that delivers or arranges for the delivery of health  
17 services, and that has entered into a written service  
18 arrangement or arrangements with health professionals, a  
19 majority of whom are licensed to practice medicine or  
20 osteopathy.

21 "Professional society" or "society" means any association  
22 or other organization of persons engaged in the same profession,



1 occupation, or a specialty within a profession or occupation, a  
2 primary purpose of which is to maintain the professional  
3 standards of the persons engaged in its profession [~~or~~],  
4 occupation, or specialty practice.

5 "Quality assurance committee" means an interdisciplinary  
6 committee established by the board of trustees or administrative  
7 staff of a licensed hospital, clinic, long-term care facility,  
8 skilled nursing facility, assisted living facility, home care  
9 agency, hospice, health maintenance organization, preferred  
10 provider organization, [~~or~~] preferred provider network providing  
11 medical, dental, or optometric care, or an authorized state  
12 agency whose function is to monitor and evaluate patient care,  
13 to identify, study, and correct deficiencies in the health care  
14 delivery system to reduce the risk of harm to patients and  
15 improve patient safety or otherwise improve the quality of care  
16 delivered to patients.

17 (b) The department of health may establish quality  
18 assurance committees for the purpose of monitoring, improving,  
19 and evaluating patient care within the statewide trauma care  
20 systems. The proceedings of quality assurance committees  
21 authorized under this subsection shall not be subject to part I



1 of chapter 92, and, for purposes of chapter 92F, the records of  
2 the proceedings shall be confidential.

3       ~~[(b)]~~ (c) Neither the proceedings nor the records of peer  
4 review committees, quality assurance committees, or case review  
5 forums shall be subject to discovery. For the purposes of this  
6 section, "records of quality assurance committees" are limited  
7 to recordings, transcripts, minutes, summaries, and reports of  
8 committee meetings and conclusions contained therein.  
9 Information protected shall not include incident reports,  
10 occurrence reports, or similar reports that state facts  
11 concerning a specific situation, or records made in the regular  
12 course of business by a hospital or other provider of health  
13 care. Original sources of information, documents, or records  
14 shall not be construed as being immune from discovery or use in  
15 any civil proceeding merely because they were presented to, or  
16 prepared at the direction of, the committees. Except as  
17 hereinafter provided, no person in attendance at a meeting of a  
18 committee or case review forum shall be required to testify as  
19 to what transpired at the meeting. The prohibition relating to  
20 discovery or testimony shall not apply to the statements made by  
21 any person in attendance at the meeting who is a party to an  
22 action or proceeding the subject matter of which was reviewed at



1 the meeting, or to any person requesting hospital staff  
2 privileges, or in any action against an insurance carrier  
3 alleging bad faith by the carrier in refusing to accept a  
4 settlement offer within the policy limits.

5 [~~e~~] (d) Information and data relating to a medical error  
6 reporting system that is compiled and submitted by a medical  
7 provider to a health care review organization for the purpose of  
8 evaluating and improving the quality and efficiency of health  
9 care, when done through a peer review committee or hospital  
10 quality assurance committee, shall not be subject to discovery.

11 For purposes of this subsection, the information and data  
12 protected shall include proceedings and records of a peer review  
13 committee, hospital quality assurance committee, or health care  
14 review organization that include recordings, transcripts,  
15 minutes, and summaries of meetings, conversations, notes,  
16 materials, or reports created for, by, or at the direction of a  
17 peer review committee, quality assurance committee, or a health  
18 care review organization when related to a medical error  
19 reporting system.

20 Information and data protected from discovery shall not  
21 include incident reports, occurrence reports, statements, or  
22 similar reports that state facts concerning a specific situation



1 and shall not include records made in the regular course of  
2 business by a hospital or other provider of health care,  
3 including patient medical records. Original sources of  
4 information, documents, or records shall not be construed as  
5 being immune from discovery or use in any civil proceeding  
6 merely because they were reviewed or considered by a medical  
7 provider for submission to, or were in fact submitted to, a  
8 health care review organization.

9 ~~[(d)]~~ (e) The prohibitions contained in this section shall  
10 not apply to medical, dental, or optometric society committees  
11 that exceed ten per cent of the membership of the society, nor  
12 to any committee if any person serves upon the committee when  
13 the person's own conduct or practice is being reviewed.

14 ~~[(e)]~~ (f) The prohibitions contained in this section shall  
15 apply to investigations and discovery conducted by the Hawaii  
16 medical board, except as required by ~~[sections]~~ section 92-17,  
17 453-8.7, or 663-1.7(e)."

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

20 SECTION 4. This Act shall take effect upon its approval.



H.B. NO.

2575  
H.D. 2  
S.D. 2  
C.D. 1

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APPROVED this 24 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII