

STAND. COM. REP. NO.

770

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 798

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
S.B. No. 798 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish that 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 Hawaii Medical Service Association and Healthcare Association of Hawaii.

The purpose of quality assurance committees is to encourage robust discussion that lead to changes in policies, procedures, and practices in the interests of protecting patient safety and the quality of medical services. Your Committee finds that quality assurance committees are most effective if discussions amongst its own members as well as discussions between quality assurance committees of various hospitals, clinics, facilities, and other institutions are protected from discovery. Your Committee believes that the potential for discovery has a dampening effect on discussions in quality assurance committees, which are focused on the greater good of all patients, and that patient protections that result from discussions in quality assurance committees are necessary to fulfill the purpose of such

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committees. That said, 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 subsections (c) and (d) of section 624-25.5, Hawaii Revised Statutes. Quality assurance committees may not prevent discovery of otherwise discoverable information and material by using or considering the information or material in its proceedings.

The intent of your Committee is for this measure to apply to:

- (1) Discussions within a quality assurance committee of any one 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 authorized state agency whose function is to monitor and evaluate patient care; and
- (2) Discussions between and among quality assurance committees comprising of various institutions listed in paragraph (1).

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to allow for further discussion.

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 S.B. No. 798, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 798, S.D. 1.

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




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 798	Committee Referral: HTH, JDL	Date: 2/25/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes