STAND. COM. REP. NO. 2824

Honolulu, Hawaii

FEB 2 9 2008 RE: S.B. No. 3077 S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

#### Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 3077, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES,"

beg leave to report as follows:

The purpose of this measure is to provide immunity from liability and entitlement to workers' compensation coverage for licensed medical personnel providing volunteer medical services on behalf of the State or a county.

Your Committees received testimony in support of this measure from the Department of Health.

This measure covers physicians, psychologists, nurses, emergency medical technicians, social workers, and mobile intensive care technicians.

Currently, medical professionals provide volunteer services for and within the State. Although such services are within the scope of their licenses, these licensed individuals are not indemnified by the State when responding in emergency situations. This liability can have a chilling effect on the provision of critical volunteer medical services by qualified individuals that are necessary to supplement the State's own medical personnel, especially in the cases of disasters or emergencies. This measure extends immunity from liability and entitlement to workers' compensation coverage for licensed medical personnel who provide

volunteer medical services for the State or a county. Your Committees determine this will help to develop a strong volunteer workforce of medical professionals to support public health interventions and enhance emergency medical surge capacity.

This measure provides volunteer medical assistance personnel immunity from liability for death, injury, or property damage arising from acts or omissions in the course of rendering services, except for willful or criminal misconduct, gross negligence, or reckless conduct. This measure further provides that in the event of death, injury, or property damage arising from a negligent act or omission, volunteer medical service personnel are immune from liability, but the State or county may be sued for damages and held responsible under the doctrine of respondeat superior.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to allow further consideration of the sufficiency of protection this measure affords to members of the public in the event of accidental death, injury, or property damage; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3077, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 3077, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Labor and Ways and Means,

ROSALYN H. BAKER, Chair

BRIAN T. TANIGUCHI, Chair

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### The Senate Twenty-Fourth Legislature State of Hawaii

# Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*  SB 3077 SDI	Committee Referral: Date: 2/26/08							
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
TANIGUCHI, BRIAN T. (C)								
HEE, Clayton (VC)								
GABBARD, Mike								
KOKUBUN, Russell S.								
NISHIHARA, Clarence K.								
SLOM, Sam								
TOTAL		5			//			
Recommendation:  Adopted 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

### The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:			Date:					
\$83077, SD1	HTH, JOLIWAM			2/26/08					
The committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
BAKER, Rosalyn H. (C)									
TSUTSUI, Shan S. (VC)									
CHUN OAKLAND, Suzanne		1							
ENGLISH, J. Kalani									
FUKUNAGA, Carol									
HOOSER, Gary L.					/				
INOUYE, Lorraine R.		/							
KIM, Donna Mercado		/							
MENOR, Ron		/							
TOKUDA, JIII N.		1							
HEMMINGS, Fred		1,							
WHALEN, Paul									
TOTAL		ιO	Ø	0	2				
Recommendation:									
Adopted Not Adopted									
Chair's or Designee's Signature:									
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Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy									

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