STAND. COM. REP. NO.

1215

Honolulu, Hawaii APR 0 8 2011

RE:

H.B. No. 597

H.D. 1 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 H.B. No. 597, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to expand the definition of "quality assurance committee" to include interdisciplinary quality assurance committees composed of members from various health care organizations. The intent of this measure 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.

Your Committee received testimony in support of this measure from The Queen's Medical Center and Healthcare Association of Hawaii.

Your Committee finds that robust discussion leads to changes in health care policies, procedures, or practices and, in order to encourage such robust discussions, there is a need to protect peer review and quality assurance discussions on health care from their potential use in medical malpractice lawsuits.

Your Committee heard concerns regarding the impact that this measure may have on discoverable information. Your Committee

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asserts that this measure does not seek to change discovery rules; rather, the goal of this measure is to encourage collaborative discussions regarding health care policies, procedures, and practices. Accordingly, 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 section 624-25.5 (c) and (d), Hawaii Revised Statutes. Quality assurance committees may not prevent discovery of otherwise discoverable information and material simply by using or considering the information or material in its proceedings.

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 H.B. No. 597, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

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

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:				
HB 597, HDI, SDI	HTH,	JDL		3/3/	//)
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
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)					
GABBARD, Mike		<u> </u>	a seat managinariliii essa		
IHARA, Jr., Les		157 NB7			
SLOM, Sam				-AC	88.44 (1970) - 1 () () () () () () () () () (
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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