

ACT 109

An Act Relating to Information Received by Medical Study Committees and In-Hospital Staff Committees Engaged in Making Studies to Reduce Morbidity and Mortality.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Any person, hospital, sanitorium, nursing or rest home or other similar medical facility may provide information, interviews, reports, statements, memoranda, or other data or material relating to the condition and treatment of any person to the maternal and perinatal mortality study committee of the Hawaii medical association or any in-hospital staff committee, to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind

or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings, conclusions and summaries of such research or study committees to advance medical research and medical education.

SECTION 2. The maternal and perinatal mortality study committee of the Hawaii medical association or any in-hospital staff committee shall use or publish said material only for the purpose of advancing medical research, medical education or education of the public in the interest of reducing morbidity or mortality. In all events, the identity, or any group of facts which tends to lead to the identity, of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances.

SECTION 3. Any findings, conclusions or summaries resulting from medical studies within the scope of this Act shall not be used or made available in any legal proceeding. Any information set forth in section 1 provided to any research or study committee shall not be used or made available in any legal proceeding unless it is unobtainable from the original source. In such event, the judicial officer shall in camera inspect the committee's findings, conclusions or summaries and make available factual information contained therein.

SECTION 4. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and fined not more than \$500.

SECTION 5. If any provisions of this Act are held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Act.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 29, 1963.) S.B. 343.
