



**Wednesday, February 28, 2024 at 2:00 pm**  
**Conference Room 325**

**House Committee on Judiciary and Hawaiian Affairs**

To: Chair David A. Tarnas  
Vice Chair Gregg Takayama

From: Paige Heckathorn Choy  
Associate Vice President, Government Affairs  
Healthcare Association of Hawaii

Re: **Submitting Comments**  
**HB 2775 HD 1, Relating to Health Care**

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 30,000 people statewide.

Thank you for the opportunity to submit **comments** on this measure, which seeks to set up a framework by which providers, facilities, and patients can have an open discussion around an adverse medical event. The purpose of these discussions is to improve trust, engage in a comprehensive discussion about the event and gain a better understanding of what happened, and resolve in a more meaningful manner. Nothing in the framework would preclude a patient from seeking other legal redress.

Our members have supported legislation in the past related to the ability of providers to apologize for medical errors without that apology being used in subsequent legal proceedings. The purpose of policies around the use of apology language was, similarly, to help increase the trust between providers and patients, and provide some sense of resolution.

There are existing frameworks in place at hospitals in the state that are similar to the candor process outlined in this measure. We appreciate this committee's willingness to hear this measure and would suggest that more conversation is needed to ensure that there are no conflicting or duplicative processes around this type of program. Further, we would seek more clarification on how we could strengthen any language surrounding referrals to a provider's licensing board, since that can also affect the ability of providers and patients to have these candid conversations.

We look forward to engaging more with the legislature and other stakeholders on the potential merits of this framework. Thank you for the opportunity to support this measure.

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Affiliated with the American Hospital Association, American Health Care Association, National Association for Home Care and Hospice, American Association for Homecare and Council of State Home Care Associations

**HB-2775-HD-1**

Submitted on: 2/26/2024 4:02:26 PM

Testimony for JHA on 2/28/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Jaworowski	Individual	Support	Written Testimony Only

Comments:

I support HB 2775 and the CANDOR Act as it protects three entities: the patient, who has the opportunity to be heard and receive honest information on what happened, and has the opportunity to seek legal redress if warranted; the hospital, which is protected by provisions that whatever is disclosed cannot be used as an admission of liability in any future proceedings, and so can be honest in disclosing what happened without fear of liability; and the rest of us, who will be protected from a reoccurrence of whatever caused the incident. There are no losers in this bill.