STAND. COM. REP. NO. 1242-06

Honolulu, Hawaii

March 24, 2006

RE:

S.B. No. 940

S.D. 2

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 940, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT,"

beg leave to report as follows:

The purpose of this bill is to provide for the expeditious and thorough resolution of medical coverage disputes by, among other things:

- (1) Allowing for review of ERISA-covered managed care plan coverage disputes by an independent review organization;
- (2) Allowing for review of non-ERISA plans by an external review panel;
- (3) Provides for an exemption from state procurement laws in hiring an independent medical expert or independent review organization; and
- (4) Requires an estimate of the amount in controversy be provided by a managed care plan within seven days after receipt of a request for external review.

The Department of Commerce and Consumer Affairs and Hawaii Disability Rights Center supported this bill. HMSA supported the intent of this measure. Kaiser Permanente opposed this bill. The Hawaii Association of Health Plans submitted comments.

Your Committees find that various stakeholders involved in this issue are continuing to work toward a solution. As such, your Committees would like to continue discussion on this matter. Accordingly, your Committees have amended this bill by changing the effective date to July 1, 2050.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 940, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 940, S.D. 2, H.D. 2.

Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

SYLVIA LUKE, Chair

ROBERT N. HERKES, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

JISCR 1242

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: Date: 3/22/06						
3,5 170 313-1101						
Committee Referral: CPC/JUD, FIN The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended Pass, with amendments						
□ Hold □ Recommit						
CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)	V			12.475.00		
2. SCHATZ, Brian (VC)	1					
3. CALDWELL, Kirk	1					
4. ITO, Ken	✓					
5. KANOHO, Ezra R.				1		
6. KARAMATSU, Jon Riki						
7. MORITA, Hermina M.	V					
8. SONSON, Alex M.	1					
9. SOUKI, Joseph M.	\	<u></u>				
10. MARUMOTO, Barbara C.	/					
11. STONEBRAKER, Bud						
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TOTAL	9			2		
The recommendation is:						
□ Not Adopted						
If joint referral, did not support recommendation.						
Vice Char's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Date:					
SB940 SD2, HD1 (HSCR1007-06)	3/22/06					
Committee Referral: HLT, CPC/JUD, FIN	☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended Pass, with amendments						
☐ Hold	☐ Hold ☐ Recommit					
JUD Members	Ayes	Ayes (WR)	Nays	Excused		
1. LUKE, Sylvia (C)	/					
2. OSHIRO, Blake K. (VC)						
3. CALDWELL, Kirk						
4. KANOHO, Ezra R.						
5. KARAMATSU, Jon Riki	$\sqrt{}$					
6. MORITA, Hermina M.						
7. SONSON, Alex M.						
8. SOUKI, Joseph M.						
9. MARUMOTO, Barbara C.						
10. THIELEN, Cynthia		✓				
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				-		
		-				
TOTAL	7	O	0	2		
The recommendation is:						
□ Not Adopted						
□ Not Adopted						
If joint referral, did not support recommendation.						
committee acronym(s)						
Vice Chair's or designee's signature:						
D. P. and District Class of the Office						
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office						