STAND. COM. REP. NO. 447

Honolulu, Hawaii

Fz - 19, 2009

RE: H.B. No. 1514 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1514 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL TORTS,"

begs leave to report as follows:

The purpose of this bill is to ensure the availability of vital neurological specialty care in the state and work toward more reasonable medical malpractice insurance premiums by setting a cap of \$1,000,000 on awards for noneconomic damages in a medical tort claim against a neurologist or neurosurgeon.

The Hawaii Medical Association, Hawaii Association of Health Plans, and a concerned individual supported this bill. The Department of Commerce and Consumer Affairs (DCCA) supported the intent of this measure. The Hawaii Association for Justice opposed this bill. A concerned individual submitted comments.

Your Committee has amended this bill by, among other things:

- (1) Requiring a 25 percent rollback on medical malpractice insurance premiums for neurologists and neurosurgeons;
- (2) Requiring DCCA to submit a report to the Legislature prior to the 2013 Regular Session on the effects of the noneconomic damages cap and the insurance rollback for neurologists and neurosurgeons;

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- (3) Repealing the noneconomic damages cap and the insurance rollback for neurologists and neurosurgeons on July 1, 2014;
- (4) Requiring a health care provider to disclose to patients adverse events relating to their medical treatment;
- (5) Requiring the Hawaii Medical Board to collect and publish information about physicians licensed in the state to allow consumers to make informed decisions in selecting physicians;
- (6) Establishing a Medical Malpractice Damages Task Force to provide support in implementing the provisions of this bill and study the effects enactment of this bill has on the medical profession, specifically in the area of medical tort liability; and
- (7) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1514, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Health,

RYN I. YAMANE, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral:		Date:	
нв 1514	HLT, JUD		2-10-09	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)				
2. NISHIMOTO, Scott Y. (VC)				
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3. BELATTI, Della Au				
4. BERTRAM, Joe, III				
5. BROWER, Tom				
	and the second			
6. CARROLL, Mele				
	,			
7. MIZUNO, John M.				
eth de pro-				
8. SHIMABUKURO, Maile S.L.				
9. FINNEGAN, Lynn				
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TOTAL (9)	8			
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				