STAND. COM. REP. NO. 926

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1636 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 Judiciary, to which was referred H.B. No. 1636 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL PHYSICIANS," begs leave to report as follows:

The purpose of this bill is to protect physicians who provide emergency medical care against unfounded lawsuits, while also protecting patients from true negligence by extending the grant of immunity from civil action to:

- (1) A licensed physician who cares for a person not yet discharged from the hospital; and
- (2) A licensed physician who provides emergency obstetrical medical care under the same conditions, where the patient has not received prenatal care or has never been a patient of the physician.

The Department of Commerce and Consumer Affairs, Queen's Medical Center, and Hawaii Medical Association supported this bill. The Hawaii Association for Justice and a concerned individual opposed this measure.

Your Committee has amended this bill by:

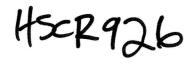
- (1) Inserting its contents in a proposed new section of Chapter 671, Hawaii Revised Statutes, which relates specifically to medical tort cases;
- (2) Removing the purpose section;
- (3) Specifying that the immunity granted applies only for the physicians' acts or omissions during the period of emergency medical care;
- (4) Including a definition for "serious bodily injury";
- (5) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1636, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1636, H.D. 1.

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

ON RIKI KARAMATSU, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date	_ / .	
HB 1636	HLTHUD		3/3/6	9
☐ The committee is reconsidering its previous	ious decision on the measure.		1-1	
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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)		X (a) D1 (a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c		
2. ITO, Ken (VC)				
3. BELATTI, Della Au		V		
4. CABANILLA, Rida	\ \ \ \ \			
5. CARROLL, Mele		A STATE OF THE STA		
6. HERKES, Robert N.				
7. LUKE, Sylvia			V	
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M.			STATE OF THE STATE	
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				V
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia	V			
TOTAL (16)	8	1	l	Ь
The recommendation is: Adop	eferral,	did not suppo	rt recommendation	1.
	committee acronym(s)	· · · · · · · · · · · · · · · · · · ·	
Vice Chair's or designee's signature:				
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