

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 1967  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1967, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION,"

begs leave to report as follows:

The purpose of this measure is to amend the medical claim conciliation law to emphasize the conciliatory nature of the process. Additionally, this bill changes certain references to medical claim conciliation panels to medical inquiry and conciliation panels.

The Hawaii Medical Association, Hawaii Association for Justice, and a concerned individual testified in support of this measure. The Office of Administrative Hearings of the Department of Commerce and Consumer Affairs provided comments.

The Office of Administrative Hearings noted that if the person who initiated the inquiry failed to meaningfully participate in the inquiry, that person could not institute litigation against the opposing person, whereas there was no corresponding penalty against the opposing person for failing to meaningfully participate.

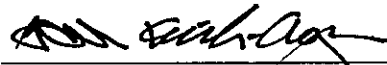


Your Committee has amended this bill by:

- (1) Deleting the provision that would have prevented the person who initiated the inquiry from being able to institute litigation due to the person's failure to meaningfully participate in the inquiry;
- (2) Changing the effective date to January 7, 2059, to facilitate further discussion; and
- (3) 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. 1967, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1967, H.D. 2.

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



GILBERT KEITH AGARAN, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HOCR 579-12

**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> <span style="font-size: 1.2em;">HB 1967, HD1</span>	<b>Committee Referral:</b> <span style="font-size: 1.2em;">HLT, JUD, FIN</span>	<b>Date:</b> <span style="font-size: 1.2em;">2-7-2012</span>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>JUD Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.				✓
5. CARROLL, Mele	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. LUKE, Sylvia	✓			
10. McKELVEY, Angus L.K.	✓			
11. SOUKI, Joseph M.	✓			
12. TSUJI, Clift	✓			
13. FONTAINE, George R.	✓			
14. MARUMOTO, Barbara C.	✓			
15. THIELEN, Cynthia	✓			
<b>TOTAL (15)</b>	13	0	0	2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">[Signature]</div>				
<b>Distribution:</b> Original (White) – Committee                              Duplicate (Yellow) – Chief Clerk's Office                              Duplicate (Pink) – HMSO				