Honolulu, Hawaii

February , 2019

RE: H.B. No. 669 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 669 entitled:

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

begs leave to report as follows:

The purpose of this measure is to encourage participation in Hawaii-based residency programs by postgraduate medical residents and graduate medical education fellows by limiting their liability for the medical care they provide under the supervision of a licensed physician.

The Hawaii Health Systems Corporation, Hawaii Medical Association, Hilo Medical Center Foundation, Hawaii State Rural Health Association, and a few individuals submitted testimony in support of this measure. The Hawaii Association for Justice submitted testimony in opposition of this measure. The Department of the Attorney General and the University of Hawaii System submitted comments on this measure.

Your Committee notes the Hawaii Association for Justice's testimony that medical malpractice policy should focus on protecting patients, compensating injured patients appropriately, studying the medical system to determine the causes of medical errors, and deterring negligent acts rather than limiting the liability of providers of medical care.

Your Committee has amended this measure by:

- (1) Clarifying that the limited liability applies to actions taken under the supervision of a licensed physician;
- (2) Clarifying that the limited immunity from civil damages does not include acts of gross negligence or wanton acts or omissions;
- (3) Clarifying the circumstances in which residents and fellows are considered to be under the supervision of a licensed physician;
- (4) Changing its effective date to July 1, 2050 to encourage further discussion on the measure; and
- (5) Making technical, nonsubstantive amendments 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. 669, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 669, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

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

OHN M. MIZUNO/Chair

State of Hawaii House of Representatives The THIRTIETH Legislature

HSCR 10

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 669 HL	e Referral: T, JVD, 7	FIN Date	1-29	-19
☐ 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. MIZUNO, John M. (C)				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au				<u></u>
3. DEDATII, Della Au		4.4.		
4. NAKAMURA, Nadine K.				<u> </u>
5. SAN BUENAVENTURA, Joy A.				
6. SAY, Calvin K.Y.				
7. TOKIOKA, James Kunane				
TORROWA, James Kunane				
8. WARD, Gene				assertion and a super-
	-			
TOTAL (8)	6	2		
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				