

JAN 21 2026

A BILL FOR AN ACT

RELATING TO CLAIMS AGAINST HEALTH CARE PROVIDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that patients in the
3 State, particularly the most vulnerable residents, deserve
4 strong protections and accountability in health care. At
5 present, the State lacks a uniform reporting system that ensures
6 timely notification of complaints and claims against health care
7 professionals to licensing boards and regulators. Without
8 consistent reporting, oversight agencies are limited in their
9 ability to act swiftly to safeguard the public.

10 The legislature further finds that extending the statute of
11 limitations and tolling conditions for medical torts and raising
12 the cap on damages for pain and suffering in medical tort
13 actions provides patients with fairer access to health care
14 services and better reflects the serious impact of medical
15 injuries.

16 The legislature notes that other jurisdictions, including
17 the District of Columbia, Maine, Massachusetts, and Nevada, have



1 enacted statutory protections that strengthen patient safety and
2 health care provider accountability. By adopting similar
3 reforms, the State will bring its laws in line with these states
4 and reaffirm its commitment to safeguarding residents through
5 greater transparency, oversight, and fairness in medical tort
6 actions.

7 Therefore, the purpose of this Act is to protect patients
8 and improve accountability by:

- 9 (1) Requiring prompt reporting of legal and administrative
10 complaints and claims against a health care
11 professional to their respective licensing board, the
12 department of commerce and consumer affairs, and the
13 insurance commissioner;
- 14 (2) Extending the time frame by which a medical tort
15 action can be brought;
- 16 (3) Establishing additional tolling conditions; and
- 17 (4) Increasing the cap on damages recoverable for pain and
18 suffering in medical tort actions.

19 PART II



SECTION 2. Chapter 451D, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§451D- Notice of legal action or administrative complaint pending against a health care professional; health care professional and court obligation. (a) Within thirty days of a health care professional's receipt of a complaint, claim, or action for damages filed in a court or an administrative complaint filed with a state or federal agency against the health care professional for actions related to the health care professional's license, the health care professional shall provide written notice of the filing to the respective licensing board and provide a copy of the complaint, claim, or action. Failure to comply shall subject the health care professional to the penalties established pursuant to section 436B-16(b).

(b) Within thirty days of the filing of a complaint, claim, or action for damages against a health care professional for actions related to the health care professional's license, the clerk of the court or administrator of the agency that received the filing shall send to the respective board a copy of the complaint, claim, or action.



1 §451D- Licensing authority review of legal action or
2 complaint filed against a health care professional. Upon
3 receipt of notice of legal action or complaint filed against a
4 health care professional for violations of the license, the
5 respective licensing board shall review the information and make
6 further inquiry as needed."

7 SECTION 3. Section 453-8.7, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsection (a) to read:

10 "(a) Every physician or osteopathic physician licensed
11 pursuant to this chapter who does not possess professional
12 liability insurance shall report any complaint, claim, or action
13 for damages filed in a court, or an administrative complaint
14 filed with a state or federal agency against the physician for
15 actions related to the physician's license, or settlement or
16 arbitration award of a claim or action for damages for death or
17 personal injury caused by negligence, error, or omission in
18 practice, or the unauthorized rendering of professional
19 services. The report shall be submitted to the department of
20 commerce and consumer affairs within thirty days after the
21 licensee's receipt of written notice of any complaint, claim, or



1 action for damages, or within thirty days after any written
2 settlement agreement has been reduced to writing and signed by
3 all the parties thereto or thirty days after service of the
4 arbitration award on the parties."

5 2. By amending subsection (c) to read:

6 "(c) The clerks of the respective courts of this State
7 shall report to the department any complaint, claim, or action
8 for damages for any death or personal injury caused by the
9 physician's or osteopathic physician's professional negligence,
10 error, or omission in the practice of the physician's or
11 osteopathic physician's profession, or rendering of unauthorized
12 professional services, or judgment or other determination of the
13 court, which adjudges or finds that a physician or osteopathic
14 physician is liable criminally or civilly for any death or
15 personal injury caused by the physician's or osteopathic
16 physician's professional negligence, error, or omission in the
17 practice of the physician's or osteopathic physician's
18 profession, or rendering of unauthorized professional services.
19 The report shall be submitted to the department within ten days
20 after the complaint, claim, or action for damages is filed with
21 the court or the judgment is entered by the court."



SECTION 4. Section 463E-6.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Every podiatrist licensed pursuant to this chapter who does not possess professional liability insurance shall report any complaint, claim, or action for damages filed in a court, or an administrative complaint filed with a state or federal agency against the podiatrist for actions related to the podiatrist's license, or settlement or arbitration award of a claim or action for damages for death or personal injury caused by negligence, error, or omission in practice, or the unauthorized rendering of professional services. The report shall be submitted to the department of commerce and consumer affairs within thirty days after the licensee's receipt of written notice of any complaint, claim, or action for damages, or within thirty days after any written settlement agreement has been reduced to writing and signed by all the parties thereto, or thirty days after service of the arbitration award on the parties."

2. By amending subsection (c) to read:



1 "(c) The clerks of the respective courts of this State
2 shall report to the department any complaint, claim, or action
3 for damages for any death or personal injury caused by the
4 podiatrist's professional negligence, error, or omission in the
5 practice of the podiatrist's profession, or rendering of
6 unauthorized professional services, or judgment or other
7 determination of the court which adjudges or finds that a
8 podiatrist is liable criminally or civilly for any death or
9 personal injury caused by the podiatrist's professional
10 negligence, error, or omission in the practice of the
11 podiatrist's profession, or rendering of unauthorized
12 professional services. The report shall be submitted to the
13 department within ten days after the complaint, claim, or action
14 for damage is filed with the court or the judgment is entered by
15 the court."

16 SECTION 5. Section 671-5, Hawaii Revised Statutes, is
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) Every self-insured health care provider, and every
19 insurer providing professional liability insurance for a health
20 care provider, shall report to the insurance commissioner the
21 following information about any medical tort claim, known to the



1 self-insured health care provider or insurer, that has been
2 filed with the court or settled, arbitrated, or adjudicated to
3 final judgment within ten working days following [~~such~~] the
4 disposition:

5 (1) The name and last known business and residential
6 addresses of each plaintiff and claimant, whether or
7 not each recovered anything;

8 (2) The name and last known business and residential
9 addresses of each health care provider who was claimed
10 or alleged to have committed a medical tort, whether
11 or not each was a named defendant and whether or not
12 any recovery was had against each;

13 (3) The name of the court in which any medical tort
14 action, or any part thereof, was filed and the docket
15 number;

16 (4) A brief description or summary of the facts upon which
17 each claim was based, including the date of
18 occurrence;

19 (5) The name and last known business and residential
20 addresses of each attorney for any party to the
21 settlement, arbitration, or adjudication, and



1 identification of the party represented by each
2 attorney;

3 (6) Funds expended for defense and plaintiff costs;

4 (7) The date and amount of settlement, arbitration award,
5 or judgment in any matter subject to this subsection;
6 and

7 (8) Actual dollar amount of award received by the injured
8 party.

9 (b) The insurance commissioner shall forward the name of
10 every health care provider, except a hospital and physician or
11 an osteopathic physician or surgeon licensed under chapter 453
12 or a podiatrist licensed under chapter 463E, against whom a
13 claim is made, settlement is made, an arbitration award is made,
14 or judgment is rendered to the appropriate board of professional
15 registration and examination for review of the fitness of the
16 health care provider to practice the health care provider's
17 profession. The insurance commissioner shall forward the entire
18 report under subsection (a) to the department of commerce and
19 consumer affairs if the person against whom a claim, settlement,
20 or arbitration award is made or judgment rendered is a physician



1 or osteopathic physician or surgeon licensed under chapter 453
2 or a podiatrist licensed under chapter 463E."

3 PART III

4 SECTION 6. Section 657-7.3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§657-7.3 Medical torts; limitation of actions; time[-];**
7 **tolling.** [†](a)[†] No action for injury or death against a
8 [~~chiropractor, clinical laboratory technologist or technician,~~
9 ~~dentist, naturopathic physician, nurse, nursing home~~
10 ~~administrator, dispensing optician, optometrist, osteopath,~~
11 ~~physician or surgeon, physical therapist, podiatrist,~~
12 ~~psychologist, or veterinarian duly licensed or registered under~~
13 ~~the laws of the State, or a licensed hospital as the employer of~~
14 ~~any such person,]~~ health care provider based upon [such
15 ~~person's]~~ the health care provider's alleged professional
16 negligence, or for rendering professional services without
17 consent, or for error or omission in [~~such person's]~~ the health
18 care provider's practice, shall be brought more than [~~two~~] three
19 years after the plaintiff discovers, or through the use of
20 reasonable diligence should have discovered, the injury, but in
21 any event not more than [~~six~~] ten years after the date of the



1 alleged act or omission causing the injury or death[~~. This six-~~
2 ~~year time limitation~~]; provided that these time limitations
3 shall be tolled [~~for any period during which the person has~~
4 ~~failed to disclose any act, error, or omission upon which the~~
5 ~~action is based and which is known to the person.~~

6 ~~[(b)] Actions by a minor shall be commenced within six~~
7 ~~years from the date of the alleged wrongful act except the~~
8 ~~actions by a minor under the age of ten years shall be commenced~~
9 ~~within six years or by the minor's tenth birthday, whichever~~
10 ~~provides a longer period. Such time limitation shall be tolled~~
11 ~~for any minor for any period during which the parent, guardian,~~
12 ~~insurer, or health care provider has committed fraud or gross~~
13 ~~negligence, or has been a party to a collusion in the failure to~~
14 ~~bring action on behalf of the injured minor for a medical tort.~~
15 ~~The time limitation shall also be tolled for any period during~~
16 ~~which the minor's injury or illness alleged to have arisen, in~~
17 ~~whole or in part, from the alleged wrongful act or omission~~
18 ~~could not have been discovered through the use of reasonable~~
19 ~~diligence.];~~

20 (1) For any period during which the health care provider
21 has failed to disclose or has made a misrepresentation



1 regarding any act, error, or omission upon which the
2 action is based and which is known to the health care
3 provider;

4 (2) For actions by a minor based on an injury to the
5 minor:

6 (A) Until the minor's eighteen birthday;

7 (B) Any period during which the parent, guardian,
8 insurer, or health care provider has committed
9 fraud or gross negligence, or has been a party to
10 a collusion in the failure to bring action on
11 behalf of the injured minor for a medical tort;
12 and

13 (C) Any period during which the minor's injury or
14 illness alleged to have arisen, in whole or in
15 part, from the alleged wrongful act or omission
16 could not have been discovered through the use of
17 reasonable diligence;

18 (3) For actions by an adult under legal disability based
19 on an injury to the adult, until the day the legal
20 disability is removed;



1 (4) Where there is continuous treatment for the same
2 injury, illness, or condition that gave rise to the
3 act or omission upon which the action is based, until
4 the day of the last treatment; and

5 (5) For actions based on the discovery of a foreign object
6 in the body of a patient, until the plaintiff
7 discovers, or through the use of reasonable diligence
8 should have discovered, the presence of the foreign
9 object.

10 For any action to which more than one of these conditions
11 apply, the tolling periods may be applied concurrently or
12 consecutively as the court deems appropriate, but in no event
13 shall the aggregate tolling period exceed years.

14 (b) For the purposes of this section, "health care
15 provider" means a chiropractor, clinical laboratory technologist
16 or technician, dentist, naturopathic physician, nurse, nursing
17 home administrator, dispensing optician, optometrist, osteopath,
18 physician or surgeon, physical therapist, podiatrist,
19 psychologist, or veterinarian duly licensed or registered under
20 the laws of the State, or a licensed hospital as the employer of
21 any of these persons."



SECTION 7. Section 663-8.7, Hawaii Revised Statutes, is amended to read as follows:

"~~{~~\$663-8.7~~}~~ Limitation on pain and suffering. (a)

Damages recoverable for pain and suffering as defined in section 663-8.5 shall be limited to a maximum award of:

(1) \$500,000 in a medical tort action; provided that this limitation shall not apply to damages resulting from a health care provider's act or omission that constitutes gross negligence or intentional misconduct; or

(2) \$375,000~~{~~ in all other tort actions, provided further that ~~[this limitation]~~ these limitations shall not apply to tort actions enumerated in section 663-10.9(2).

(b) For the purposes of this section:

"Health care provider" has the same meaning as defined in section 657-7.3.

"Medical tort" has the same meaning as defined in section 671-1."

PART IV



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, consisting of the letters 'D', 'K', and 'M' in a stylized, cursive-like font, followed by a horizontal line.



S.B. NO. 2086

Report Title:

Health Care Professionals; Health Care Providers; License; Legal and Administrative Claims; Reporting Requirements; Courts; State Agencies; Professional Liability Insurers; Insurance Commissioner; Licensing Boards; Medical Torts; Statute of Limitation; Statute of Repose; Tolling; Pain and Suffering Damages; Award Limit

Description:

Part II - Requires health care professionals, and courts and agencies in receipt of the filing, to report to the respective licensing board any legal or administrative complaint, claim, or action for damages filed against the health care professional within thirty days of receipt of the filing. Requires review by the licensing boards. Requires filings against physicians, osteopathic physicians, or podiatrists to be reported to the Department of Commerce and Consumer Affairs. Requires self-insured health care providers and professional liability insurers for health care providers to report to the Insurance Commissioner any medical tort claims filed with the court and requires the Insurance Commissioner to forward certain information to the appropriate professional board or the Department of Commerce and Consumer Affairs. Part III - Extends the time frame by which a medical tort action can be brought and establishes additional tolling conditions. Increases the cap on damages recoverable for pain and suffering in medical tort actions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

