
A BILL FOR AN ACT

RELATING TO MEDICAL TORTS.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Exception to liability; volunteer service of
5 health care providers. (a) No health care provider who is
6 either a physician, surgeon, or osteopath licensed under chapter
7 453, who renders professional service without compensation to a
8 patient who is either:

9 (1) Medicaid-eligible under section 346-59; or

10 (2) Without medical insurance and whose family income does
11 not exceed two hundred per cent of the federal poverty
12 level as defined annually by the federal Office of
13 Management and Budget,

14 shall be liable to the patient for any damages resulting from
15 the professional service rendered to the patient unless it can
16 be shown by a preponderance of the evidence that the health care
17 provider exhibited gross negligence in the rendering of that
18 service.



1 (b) This section shall not apply absent the patient's
 2 informed consent to receiving treatment without compensation and
 3 the legal consequences of the different standard of care for
 4 services rendered without compensation.

5 (c) This section shall also not apply when emergency
 6 treatment or emergency surgical procedure is rendered by the
 7 health care provider and the obtaining of consent is not
 8 reasonably feasible under the circumstances without adversely
 9 affecting the condition of the patient's health."

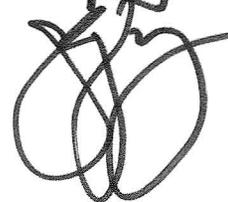
10 SECTION 2. This Act does not affect rights and duties that
 11 matured, penalties that were incurred, and proceedings that were
 12 begun, before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



Report Title:

Medical Torts; Volunteer Services

Description:

Lowers the standard of care from negligence to gross negligence in medical tort actions when services are performed pro bono.

