

STAND. COM. REP. NO.

392

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 592
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 592
entitled:

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

begs leave to report as follows:

The purpose of this measure is to authorize the court in
medical tort litigation to impose sanctions on a non-prevailing
party whose rejection of the Medical Claim Conciliation Panel's
decision resulted in the subsequent litigation and to amend the
requirements for the certificate accompanying any claim filed with
the Medical Claim Conciliation Panel. The intent of this measure
is to reduce litigation and lower the cost of medical malpractice
premiums.

Your Committee received testimony in support of this measure
from The League of Women Voters of Hawaii, Kaiser Permanente,
Hawaii Medical Association, the Hawaii Association of Health
Plans, and seven private citizens.

Your Committee finds that the large number of medical tort
litigation claims has a significant impact on the cost of medical
malpractice insurance. Your Committee further finds that there is
a need to limit the number of medical tort litigation claims that
have no merit. Based on testimony received, your Committee finds
that there are significant concerns that this measure may increase
the number of cases that go to trial and that the Medical Claims
Conciliation Panel should further assess the merits of this
measure.

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Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to allow for further discussion.

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 S.B. No. 592, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 592, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



JOSH GREEN, M.D., Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <i>SB 592</i>	Committee Referral: <i>HTH, JDL</i>	Date: <i>2-16-11</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)		✓		
BAKER, Rosalyn H.		✓		
CHUN OAKLAND, Suzanne		✓		
SHIMABUKURO, Maile		✓		
WAKAI, Glenn				✓
SLOM, Sam	✓			
TOTAL	<i>2</i>	<i>4</i>		<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;"> <i>Clarence K. Nishihara</i> </div>				
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*Only one measure per Record of Votes