

STAND. COM. REP. NO. 2022

Honolulu, Hawaii

JAN 31 2014

RE: S.B. No. 2052
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2052
entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a rule
of evidence to exclude the admissibility of medical apologies to
prove liability.

Your Committee received testimony in support of this measure
from the Hawaii Medical Association, Healthcare Association of
Hawaii, Hawaii Pacific Health, and Hawaii Association of
Professional Nurses. Your Committee received testimony in
opposition to this measure from the Hawaii Association for
Justice.

Your Committee finds that health care providers should be
permitted to express compassion, apology, and other benevolent
acts without fear of their statements or acts being used as
evidence of liability when a patient experiences adverse outcomes.
This measure will improve communications between health care
providers and patients and reduce unnecessary litigation.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2050, to
encourage further discussion; and



- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 2052, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2052, 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, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2052	HTH, JDL	1/27/14		
<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)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
TOTAL	4	—	—	1
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;">Rosalyn H Baker</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes