

---

---

SENATE CONCURRENT  
RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN  
INTERIM STUDY OF THE NEED FOR GREATER REGULATION OF THE  
MEDICAL MALPRACTICE INSURANCE INDUSTRY IN HAWAII AND TO  
PROPOSE NEEDED REFORMS.

1           WHEREAS, Hawaii is having difficulty attracting and  
2 retaining physicians, particularly those with specialty  
3 practices subject to high medical malpractice insurance premiums  
4 such as obstetrics, gynecology, and trauma care; and  
5

6           WHEREAS, this problem is reaching crisis proportions,  
7 especially on the Neighbor Islands, and is making it  
8 increasingly likely that Hawaii residents will not receive the  
9 timely, quality medical care that they need; and  
10

11           WHEREAS, the Legislature has in the past considered  
12 measures to reduce the high cost of medical malpractice  
13 insurance by addressing traditional tort reform issues, such as  
14 joint and several liability, limits on non-economic damage  
15 awards and attorneys' fees, and the admissibility of apology  
16 statements by health care practitioners; and  
17

18           WHEREAS, there is a growing awareness among the states of a  
19 need to make medical malpractice insurance providers more  
20 accountable and to impose controls on insurance premium rates;  
21 and  
22

23           WHEREAS, many other states are studying the problem of the  
24 high cost of medical malpractice insurance and have proposed or  
25 enacted legislation to address the need to increase the  
26 regulation and transparency of the medical malpractice insurance  
27 industry; and  
28

29           WHEREAS, the rising cost of medical malpractice insurance  
30 in Hawaii must be addressed to ensure the availability of  
31 timely, quality medical care; now, therefore,  
32



1 BE IT RESOLVED by the Senate of the Twenty-third  
 2 Legislature of the State of Hawaii, Regular Session of 2006,  
 3 that the Legislative Reference Bureau conduct a study of the  
 4 rising cost of medical malpractice insurance in Hawaii to  
 5 evaluate the need to increase the regulation and transparency of  
 6 the Hawaii medical malpractice insurance industry and to propose  
 7 needed reforms; and

8  
 9 BE IT FURTHER RESOLVED that the study shall include a  
 10 comparison of recommendations and measures pending or adopted in  
 11 other states to address the problem, including measures:

- 12  
 13 (1) Setting standards and criteria for medical malpractice  
 14 insurance rates and rate administration;
- 15  
 16 (2) Providing an opportunity for insureds to request a  
 17 public hearing on medical malpractice insurers'  
 18 requests for rate increases;
- 19  
 20 (3) Requiring medical malpractice insurers to file  
 21 specified reports with the Insurance Commissioner,  
 22 including reports about claims made and paid, and  
 23 imposing penalties for failure to file;
- 24  
 25 (4) Requiring the Insurance Commissioner to make  
 26 information in medical malpractice insurers' reports  
 27 available to the public; and
- 28  
 29 (5) Creating medical malpractice insurance assistance  
 30 funds, funded by medical professionals or the State;  
 31 and

32  
 33 BE IT FURTHER RESOLVED that the study shall include  
 34 recommendations for proposed legislation, if any; and

35  
 36 BE IT FURTHER RESOLVED that the Legislative Reference  
 37 Bureau is requested to confer with Hawaii health care  
 38 professionals and representatives of appropriate health care  
 39 organizations to obtain their perspective and insights; and

40  
 41 BE IT FURTHER RESOLVED that the Insurance Commissioner is  
 42 requested to consult with the Legislative Reference Bureau and  
 43 provide assistance to accomplish the purposes of this measure;



PROPOSED

S.C.R. NO. 152  
S.D. 1

1 BE IT FURTHER RESOLVED that the Legislative Reference  
2 Bureau is requested to report findings and recommendations,  
3 including any proposed legislation, to the Legislature no later  
4 than thirty days prior to the convening of the Regular Session  
5 of 2007; and

6  
7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Acting Director of  
10 the Legislative Reference Bureau and the Insurance Commissioner.



---

---

SENATE CONCURRENT  
RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN  
INTERIM STUDY OF THE NEED FOR GREATER REGULATION OF THE  
MEDICAL MALPRACTICE INSURANCE INDUSTRY IN HAWAII AND TO  
PROPOSE NEEDED REFORMS.

1           WHEREAS, Hawaii is having difficulty attracting and  
2 retaining physicians, particularly those with specialty  
3 practices subject to high medical malpractice insurance premiums  
4 such as obstetrics, gynecology, and trauma care; and  
5

6           WHEREAS, this problem is reaching crisis proportions,  
7 especially on the Neighbor Islands, and is making it  
8 increasingly likely that Hawaii residents will not receive the  
9 timely, quality medical care that they need; and  
10

11           WHEREAS, the Legislature has in the past considered  
12 measures to reduce the high cost of medical malpractice  
13 insurance by addressing traditional tort reform issues, such as  
14 joint and several liability, limits on non-economic damage  
15 awards and attorneys' fees, and the admissibility of apology  
16 statements by health care practitioners; and  
17

18           WHEREAS, there is a growing awareness among the states of a  
19 need to make medical malpractice insurance providers more  
20 accountable and to impose controls on insurance premium rates;  
21 and  
22

23           WHEREAS, many other states are studying the problem of the  
24 high cost of medical malpractice insurance and have proposed or  
25 enacted legislation to address the need to increase the  
26 regulation and transparency of the medical malpractice insurance  
27 industry; and  
28

29           WHEREAS, the rising cost of medical malpractice insurance  
30 in Hawaii must be addressed to ensure the availability of  
31 timely, quality medical care; now, therefore,  
32



1 BE IT RESOLVED by the Senate of the Twenty-third  
 2 Legislature of the State of Hawaii, Regular Session of 2006,  
 3 that the Legislative Reference Bureau conduct a study of the  
 4 rising cost of medical malpractice insurance in Hawaii to  
 5 evaluate the need to increase the regulation and transparency of  
 6 the Hawaii medical malpractice insurance industry and to propose  
 7 needed reforms; and

8  
 9 BE IT FURTHER RESOLVED that the study shall include a  
 10 comparison of recommendations and measures pending or adopted in  
 11 other states to address the problem, including measures:

- 12 (1) Setting standards and criteria for medical malpractice  
 13 insurance rates and rate administration;  
 14
- 15 (2) Providing an opportunity for insureds to request a  
 16 public hearing on medical malpractice insurers'  
 17 requests for rate increases;  
 18
- 19 (3) Requiring medical malpractice insurers to file  
 20 specified reports with the Insurance Commissioner,  
 21 including reports about claims made and paid, and  
 22 imposing penalties for failure to file;  
 23
- 24 (4) Requiring the Insurance Commissioner to make  
 25 information in medical malpractice insurers' reports  
 26 available to the public; and  
 27
- 28 (5) Creating medical malpractice insurance assistance  
 29 funds, funded by medical professionals or the State;  
 30 and  
 31

32  
 33 BE IT FURTHER RESOLVED that the study shall include  
 34 recommendations for proposed legislation, if any; and  
 35

36 BE IT FURTHER RESOLVED that the Legislative Reference  
 37 Bureau is requested to confer with Hawaii health care  
 38 professionals and representatives of appropriate health care  
 39 organizations to obtain their perspective and insights; and  
 40

41 BE IT FURTHER RESOLVED that the Insurance Commissioner is  
 42 requested to consult with the Legislative Reference Bureau and  
 43 provide assistance to accomplish the purposes of this measure;  
 44



PROPOSED

S.C.R. NO. 152  
S.D. 1

1 BE IT FURTHER RESOLVED that the Legislative Reference  
2 Bureau is requested to report findings and recommendations,  
3 including any proposed legislation, to the Legislature no later  
4 than thirty days prior to the convening of the Regular Session  
5 of 2007; and

6  
7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Acting Director of  
10 the Legislative Reference Bureau and the Insurance Commissioner.

