

Honolulu, Hawaii
Feb 9, 2006

RE: H.B. No. 2321
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2321
entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose of this bill is to reduce healthcare costs by
reforming the healthcare liability system to resolve healthcare
liability claims and to compensate injured patients by, among
other things:

- (1) Implementing a cap of \$250,000 in medical tort actions;
and
- (2) Limiting the contingency fee that an attorney can claim
in a medical tort action.

The Department of Commerce and Consumer Affairs; Department
of Health; Hawaii Medical Association; Kaiser Permanente; American
College of Obstetricians and Gynecologists, Hawaii Section;
Healthy Mothers, Healthy Babies; Hawaii Psychiatric Medical
Association; and Hawaii Association of Health Plans testified in
support of this bill. The Consumer Lawyers of Hawaii opposed this
measure.


Your Committee has amended this bill by:



- (1) Limiting the \$250,000 maximum award to medical tort actions against obstetricians, obstetrician gynecologists, and trauma care providers;
- (2) Requiring the Insurance Commissioner to submit a report to the Legislature no later than 20 days prior to the convening of the Regular Session of 2010 with regard to the implementation of this measure;
- (3) Adding a repeal date of July 1, 2010; and
- (4) Making other technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 2321, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2321, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

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




DENNIS A. ARAKAKI, Chair



State of Hawaii
House of Representatives
The Twenty-third Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2321		Date: 02/06/06		
Committee Referral: HLT, CPC, JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. ARAKAKI, Dennis A. (C)	✓			
2. GREEN, Josh, M.D. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. HALE, Heléne H.	✓			
5. NISHIMOTO, Scott Y.		✓		
6. SONSON, Alex M.		✓		
7. HALFORD, Chris		✓		
TOTAL	4	3		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				