

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 3279
S.D. 2

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 3279, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make benevolent gestures regarding medical error inadmissible as evidence of an admission of liability in medical malpractice claims.

Your Committee received testimony in support of this measure from the Department of the Attorney General, the Hawaii Medical Association, the Healthcare Association of Hawaii, Kaiser Permanente, the Hawaii Health Systems Corporation, the Hawaii Association of Health Plans, and the Consumer Lawyers of Hawaii. The Department of Commerce and Consumer Affairs and the Judiciary submitted comments.

Your Committee finds that it is important to have open lines of communication between a doctor and patient. A doctor or other medical care worker should be able to show expressions of benevolence towards a patient without fear of civil liability. This leads to better doctor-patient relationships and reduces the number of medical malpractice suits.

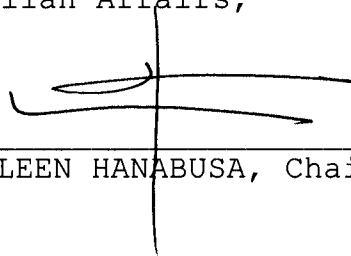
Your Committee has amended this measure to make a technical, nonsubstantive change, which clarifies that a statement of fault that is part of or in addition to an expression of sympathy or



benevolence shall be admissible as evidence of an admission of liability.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3279, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3279, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,

A handwritten signature in black ink, consisting of several horizontal strokes and a vertical line, positioned above a horizontal line.

COLLEEN HANABUSA, Chair



