

Honolulu, Hawaii

MAR 03 2006

RE: S.B. No. 940  
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. 940, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT,"

begs leave to report as follows:

The purpose of this measure is to amend the review procedure process under the patients' bill of rights and responsibilities act.

Specifically, this measure:

- (1) Preserves the commissioner's discretion to convene a panel to hear cases for consumers in non-ERISA plans;
- (2) Requires the commissioner to determine whether requests for external review concern an ERISA plan; and
- (3) Requires the commissioner to retain a qualified nonprofit organization to serve as the state health consumer advocate to assist in evaluating requests, resolving disputes, and carrying out the purposes of the chapter.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Department of Commerce and

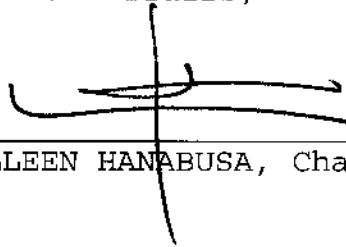


Consumer Affairs, Kaiser Permanente, the Hawaii Medical Service Association, and the Hawaii Association of Health Plans.

Your Committee finds that several of the testifiers requesting amendments have noted that this measure is the only vehicle in which to address this issue. Therefore, your Committee has maintained the defective effective date of July 1, 2050, to allow for continued discussion. Your Committee also made technical, nonsubstantive changes.

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. 940, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 940, S.D. 2.

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




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COLLEEN HANABUSA, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Judiciary and Hawaiian Affairs  
(Bills and Resolutions)

Measure:*	Committee Referral:	Date:
SB 940 SD1	CPH/HTH, JHW	3/1/06
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is to:		
<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	Ayes	Ayes(WR)
Nays	Excused	
HANABUSA, Colleen (C)	✓	
HEE, Clayton (VC)		✓
CHUN OAKLAND, Suzanne	✓	
ENGLISH, J. Kalani	✓	
IHARA, Jr., Les	✓	
WHALEN, Paul		✓
TOTAL	4	0
0	0	✓
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original	Yellow	Pink
File with Committee Report	Clerk's Office	Drafting Agency
		Goldenrod
		Committee File Copy

\*Do not list more than one measure per Record of Votes.