
A BILL FOR AN ACT

RELATING TO MEDICAL TORTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to require a
2 claimant who rejects the decision of a medical claim
3 conciliation panel on a claim and subsequently institutes
4 litigation to pay a fee of \$10,000 to the court.

5 SECTION 2. Section 671-16, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§671-16 Subsequent litigation; excluded evidence.** (a)
8 The claimant may institute litigation based upon the claim in an
9 appropriate court only after a party to a medical claim
10 conciliation panel hearing rejects the decision of the panel[7]
11 or after the twelve-month period under section 671-18 has
12 expired. A claimant who rejects the decision of a medical claim
13 conciliation panel on a claim and subsequently institutes
14 litigation based upon the claim shall pay a fee of \$10,000 to
15 the court when instituting the action or proceeding. This fee
16 shall be additional to all other fees and costs imposed upon the
17 claimant pursuant to chapter 607. The court may waive or reduce
18 the fee in accordance with section 607-3.



1 (b) No statement made in the course of the hearing of the
2 medical claim conciliation panel shall be admissible in evidence
3 either as an admission, to impeach the credibility of a witness,
4 or for any other purpose in any trial of the action; provided
5 that such statements may be admissible for the purpose of
6 section 671-19[~~7~~hereof]. No decision, conclusion, finding, or
7 recommendation of the medical claim conciliation panel on the
8 issue of liability or on the issue of damages shall be admitted
9 into evidence in any subsequent trial, nor shall any party to
10 the medical claim conciliation panel hearing, or the counsel or
11 other representative of such party, refer or comment thereon in
12 an opening statement, an argument, or at any other time[~~7~~] to
13 the court or jury; provided that such decision, conclusion,
14 finding, or recommendation may be admissible for the purpose of
15 section 671-19[~~7~~hereof]."

16 SECTION 3. This Act shall apply to any medical tort claim
17 submitted to a medical claim conciliation panel in accordance
18 with section 671-12, Hawaii Revised Statutes, after June 30,
19 2008.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2008.

2

INTRODUCED BY:

Curtis H. Day

BY REQUEST

JAN 15 2008



Report Title:

Medical Torts; Fee

Description:

Requires a claimant who rejects the decision of a medical claim conciliation panel and subsequently institutes litigation to pay a fee of \$10,000 to the court.

