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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE EFFECTS  
OF MEDICAL TORT REFORM ON ACCESS TO HEALTH CARE.

1           WHEREAS, medical malpractice insurance premium rates,  
2 particularly in certain medical specialties, increased rapidly  
3 in some states beginning in the late 1990s after several years  
4 of relative stability; and

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6           WHEREAS, physicians are reported to respond to rising  
7 premiums in any number of ways, such as leaving states with high  
8 increases, retiring, and reducing or eliminating certain high-  
9 risk services; and

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11           WHEREAS, if these provider actions are indeed occurring,  
12 this could limit consumer access to health care and pose a  
13 significant problem for states like Hawaii that already face a  
14 doctor shortage in certain areas; and

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16           WHEREAS, the United States General Accountability Office  
17 has found that rising medical malpractice premiums have  
18 contributed to localized health care access problems in some  
19 states; and

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21           WHEREAS, in an effort to mitigate rising medical  
22 malpractice insurance premium rates, states have passed various  
23 medical tort reform laws, some of which include caps to restrict  
24 the size of damage award payments and other measures to limit  
25 costs; and

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27           WHEREAS, in working towards the goal of ensuring consumer  
28 access to affordable, quality health care in this State, it is  
29 necessary to obtain an understanding of how rising medical  
30 malpractice premiums might affect access to health care and the  
31 practice of medicine on the whole by looking at states with



1 varying medical tort reform laws and examining available data in  
2 Hawaii; now, therefore,  
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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-fourth Legislature of the State of Hawaii, Regular  
6 Session of 2008, the Senate concurring, that the Legislative  
7 Reference Bureau is requested to study the effects of medical  
8 tort reform on access to health care and to submit a report of  
9 its findings to the Legislature no later than twenty days prior  
10 to the convening of the Regular Session of 2009; and  
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12 BE IT FURTHER RESOLVED that the Legislative Reference  
13 Bureau is requested to review available information concerning  
14 the benefits and burdens to states that have adopted medical  
15 tort reform, or medical liability reform, and to include in its  
16 report:  
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- 18 (1) Trends over time of physician relocation into or away  
19 from rural and shortage areas in those states;  
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- 21 (2) Changes in the number of specialist physicians  
22 entering or leaving those states; and  
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- 24 (3) Increases or decreases in malpractice insurance  
25 premium rates for physicians in those states and  
26 associated causes; and  
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28 BE IT FURTHER RESOLVED that the Legislative Reference  
29 Bureau is also requested to include in its report:  
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- 31 (1) An analysis of the Hawaii Medical Claims Conciliation  
32 Panel, established under part II of chapter 671,  
33 Hawaii Revised Statutes;  
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- 35 (2) Changes in the number of specialist physicians  
36 currently practicing in Hawaii;  
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- 38 (3) Trends over time of specialist physicians entering or  
39 leaving Hawaii; and  
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- 41 (4) To the extent available, the current salaries and  
42 medical malpractice insurance costs for physicians in  
43 Hawaii, contrasted with physicians in other states;  
44 and



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2 BE IT FURTHER RESOLVED that stakeholders including, but not  
3 limited to, the Hawaii Medical Association, Consumer Lawyers of  
4 Hawaii, the Hawaii Insurance Commissioner, insurance companies,  
5 medical centers, and consumer groups, are requested to assist  
6 and cooperate with the Legislative Reference Bureau as it  
7 studies the effects of medical tort reform on access to health  
8 care; and

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10 BE IT FURTHER RESOLVED that certified copies of this  
11 Concurrent Resolution be transmitted to the Director of the  
12 Legislative Reference Bureau, the Director of Health, the  
13 Director of Commerce and Consumer Affairs, the Executive  
14 Director of the Hawaii Medical Association, the Executive  
15 Director of the Consumer Lawyers of Hawaii, and the Insurance  
16 Commissioner, who in turn is requested to transmit copies to all  
17 insurers who insure against medical malpractice claims in  
18 Hawaii.

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OFFERED BY: \_\_\_\_\_

*Tony Watkins*

