
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 Government 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 and in
20 states without liability limitations;

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22 (2) Changes in the number of specialist physicians
23 entering or leaving in those states and in states
24 without liability limitations; and

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26 (3) Increases or decreases in malpractice insurance
27 premium rates for physicians in those states and in
28 states without liability limitations and associated
29 causes since the first medical malpractice insurance
30 crisis in the 1970s; and

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32 BE IT FURTHER RESOLVED that the Legislative Reference
33 Bureau is also requested to include in its report:

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35 (1) An analysis of the Hawaii Medical Claim Conciliation
36 Panel, established under part II of chapter 671,
37 Hawaii Revised Statutes;

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39 (2) Changes in the number of specialist physicians
40 currently practicing in Hawaii;

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42 (3) Trends over time of specialist physicians entering or
43 leaving the neighbor islands and the state and their
44 reasons for entering or leaving; and



1 (4) To the extent obtainable, the current compensation and
2 medical malpractice insurance costs for physicians in
3 Hawaii, contrasted with physicians in other states;
4 and
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6 BE IT FURTHER RESOLVED that stakeholders including, but not
7 limited to, the Hawaii Medical Association, Consumer Lawyers of
8 Hawaii, the Hawaii Insurance Commissioner, insurance companies,
9 medical centers, and consumer groups, are requested to assist
10 and cooperate with the Legislative Reference Bureau as it
11 studies the effects of medical tort reform on access to health
12 care; and
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14 BE IT FURTHER RESOLVED that certified copies of this
15 Concurrent Resolution be transmitted to the Acting Director of
16 the Legislative Reference Bureau, the Director of Health, the
17 Director of Commerce and Consumer Affairs, the Executive
18 Director of the Hawaii Medical Association, the Executive
19 Director of the Consumer Lawyers of Hawaii, and the Insurance
20 Commissioner, who in turn is requested to transmit copies to all
21 insurers who insure against medical malpractice claims in
22 Hawaii.

