

Honolulu, Hawaii

March 14, 2008

RE: S.B. No. 2160
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2160, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to minimize the census at the Hawaii State Hospital and promote community-based health services for forensic patients by:

- (1) Requiring the Department of Health (DOH) to submit an annual report on forensic patients;
- (2) Requiring yearly court status hearings for individuals ordered to be conditionally released or hospitalized as an inpatient by the mental health court;
- (3) Reducing the minimum length of hospitalization from 90 to 30 days for individuals who are recommitted after conditional release;
- (4) Providing an alternative of further temporary hospitalization through a court hearing instead of proceeding immediately to a revocation of a person's conditional release when a person is in violation of the conditions of the conditional release; and



- (5) Making an appropriation for mental health court operations and expansion.

The Department of the Attorney General, Hawaii Health Systems Corporation, Hawaii Government Employees Association, Hawaii Disability Rights Center, and several concerned individuals supported this bill. DOH supported the intent of this measure.

Your Committee made available on the Legislature's website, a proposed House Draft 1 for this bill. This draft adds a new part to this bill to address rising medical malpractice insurance costs by, among other things:

- (1) Limiting noneconomic damages in medical tort actions;
- (2) Allowing plaintiffs to petition the court for consideration of "catastrophic damages";
- (3) Defining "economic damages";
- (4) Allocating economic and noneconomic damages in medical tort actions in proportion to a health care provider's share of negligence or other fault; and
- (5) Providing that medical torts only include the rendering of professional services for which the health care provider is licensed and that are not restricted by the licensing agency or licensed hospital.

The Governor; Hawaii Medical Association; Healthy Mothers, Healthy Babies Coalition of Hawaii; HAPI Physicians' Indemnity Plan; Kona-Kohala Chamber of Commerce; Hawaii Pacific Health; Maui Health Care Initiative Task Force; and numerous concerned individuals supported the amendment to this bill.

Your Committee has amended this bill as proposed in the proposed House Draft 1, by placing the original provisions of the bill in a Part I and placing the medical malpractice provisions in a Part II. Technical, nonsubstantive changes were made to the provisions of Part I for clarity, consistency, and style.


Your Committee has further amended this bill by inserting as Part III, the contents of H.B. No. 3157, H.D. 1, that allows medical services providers to receive payments directly from health insurers, health maintenance organizations, and mutual benefit societies, rather than attempting to collect from the



patient when the provider does not have a contract with the insurer.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2160, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2160, S.D. 2, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JOSHUA B. GREEN, M.D., Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HS CR 1126

Record of Votes of the Committee on Health

Bill/Resolution No.: SB 2160, SD 2	Committee Referral: HLT, JUD, FIN	Date: 3-12-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)		✓		
3. AWANA, Karen Leinani	✓			
4. BELATTI, Della Au		✓		
5. BERTRAM, Joe, III	✓			
6. CABANILLA, Rida T.R.	✓			
7. RHOADS, Karl			✓	
8. SHIMABUKURO, Maile S. L.			✓	
9. TOKIOKA, James Kunane			✓	
10. WARD, Gene, Ph.D.	✓			
TOTAL (10)	5	2	3	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 8pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>John M. Ward</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				