

LATE TESTIMONY
TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008

ON THE FOLLOWING MEASURE:

H.B. NO. 1992, H.D. 1, RELATING TO MEDICAL LIABILITY.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

DATE: Wednesday, February 6, 2008 **TIME:** 2:00 PM

LOCATION: State Capitol Room 325
Deliver to: State Capitol, Room 315, 5 copies

TESTIFIER(S): Mark J. Bennett, Attorney General
or John Cregor, Deputy Attorney General
or Caron Inagaki, Deputy Attorney General

Chair Herkes and Members of the Committee:

The Department of the Attorney General continues to support this bill, for the reasons given in the report of the Committee on Health, dated January 31, 2008. We note that the Committee on Health adopted this department's recommendation that the cap on noneconomic damages be set at \$250,000. Although not a part of the original bill, we agree with the intent to allow the limited exception to the \$250,000 cap in the case of "catastrophic damages." This allows for some flexibility in those relatively rare cases when \$250,000 would be grossly insufficient to compensate for non-economic damages. However, the definition of "catastrophic damages" should be much more precise, especially with respect to what constitutes "life-altering" injuries, to avoid ambiguity and therefore to avoid litigation on this issue.

We respectfully request passage of this measure, with an amendment to the definition of "catastrophic damages."

HB
1992

mckelvey3

From: Robert Williams [rwilliams76@peoplepc.com]
Sent: Wednesday, February 06, 2008 11:06 AM
To: CPCtestimony
Subject: Medical liability bills

LATE TESTIMONY

Dear Sirs:

I approve of medical tort reform bills. While it may be legitimate to hold medical practitioners accountable in some measure for proved gross negligence (as determined by both their peers and gathered evidence), the malpractice liability suits have gotten way out of hand. Both my wife and I have experienced a urologist (Dr. Lattimer) and an OBGYN (Dr.

Carlin) leaving practice at least in part because of excessive malpractice liability costs. In the rural area of Ka'u on the Big Island where we live it is hard to attract local physicians and RN's because their income is lower here but their liability insurance remains high. The fault lies primarily with laws that do not restrict the unscrupulous demands of some lawyers and some patients that are unjustified and far out of proportion to real need. This robs other patients of access to ever scarcer medical resources. What the law really should do is penalize both plaintiffs and their lawyers who flaunt reason and compassion in favor of pure greed.

Respectfully yours,

Robert Williams
P.O. Box 920
Na'alehu, HI 96772

February 6, 2008

TESTIMONY

Rep. Robert Herkes, Chair
Rep. Angus McKelvey, Vice Chair

House Consumer Protection and Commerce Committee
Hearing: Wednesday February 6, 2008, 2pm, Room 325

Joan Ryan
1005H Kailua Road, Kailua, Hawaii
808.262.0001

Re: HB1992, HD2 Relating to Medical Liability

I STRONGLY SUPPORT HB1992, HD2.

Every month, the shortage of physicians in Hawaii grows worse because so many doctors, especially those in critical specialties, are leaving the State or cutting back their practices. Our family members alone, on the Big Island and Oahu have had six separate such experiences in the last 18 months. More and more people have severely compromised access or no access at all to the healthcare they need.

If the legislature will pass a medical liability reform that brings medical malpractice insurance premiums under control, it is possible that this dangerous trend toward healthcare rationing in our State can be reversed. Even a remedy for a sufficient test period can establish whether or not this works.

Medical liability reform based on the successful Texas model clearly needs to be passed this session to prevent an imminent crisis precipitated by the exodus of so many doctors. The people of Hawaii deserve full access to healthcare.

Thank you very much for your consideration.



February 6, 2008

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Rep. Angus McKelvey, Vice Chair

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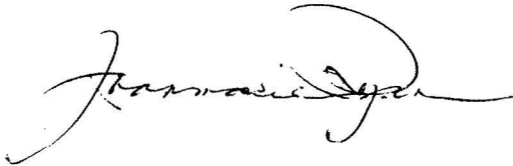
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If the legislature will pass a medical liability reform that brings medical malpractice insurance premiums under control, it is possible that this dangerous trend toward healthcare rationing in our State can be reversed. Even a remedy for a sufficient test period can establish whether or not this works.

Medical liability reform based on the successful Texas model clearly needs to be passed this session to prevent an imminent crisis precipitated by the exodus of so many doctors. The people of Hawaii deserve full access to healthcare.

Thank you very much for your consideration.

A handwritten signature in cursive script, appearing to read "Joan Ryan". The signature is written in dark ink and is positioned below the text of the letter.

LATE TESTIMONY
mckelvey3

From: J.Keliipio [josephine@poidogs.com]
Sent: Wednesday, February 06, 2008 1:25 PM
To: CPCtestimony
Cc: Rep. Josh Green; Rep. Faye Hanohano
Subject: OPPOSE HB1992, HD2 Relating to Medical Liability

February 6, 2008

Rep. Robert Herkes, Chair
Rep. Angus McKelvey, Vice Chair

House Consumer Protection and Commerce Committee
Hearing Scheduled for: Wednesday February 6, 2008, 2pm, Room 325

From:

Josephine L Keliipio
76-168 Royal Poinciana Drive

Kailua-Kona, Hi 96740

(808) 326-7998

Re: HB1992, HD2 Relating to Medical Liability

I strongly OPPOSE HB1992, HD2 for the following reasons:

1 - There have been NO studies to indicate that the reason for the physician shortage in the rural areas of Hawaii is SOLELY due to medical malpractice insurance premiums,

2 - In a recent West Hawaii Today article it says that there has been a general INCREASE in the number of doctors practicing in Hawaii over the past year,

3 - There is no guarantee that the cost of medical malpractice premiums will actually

2/6/2008

decrease even with a cap on medical malpractice claims,

4 - Those organizations in favor of these bills are using mostly hype and scare tactics to promote the passage of these bills,

5 - These bills do nothing to address the REAL health care issues affecting our community that have to do with the medical system inventing diseases like high cholesterol in order to market harmful, expensive and worthless statin drugs that are making us sicker (causes congestive heart failure, activates a gene that destroys muscles, causes amnesia and Alzheimer's disease) rather than HEALTHIER.

Mahalo for allowing me to provide this testimony.