



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-FOURTH LEGISLATURE
Regular Session of 2008

Wednesday, February 6, 2008
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 1992, H.D. 1 – RELATING TO MEDICAL
LIABILITY.**

TO THE HONORABLE ROBERT HERKES, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is J. P. Schmidt, State Insurance Commissioner (“Commissioner”),
testifying on behalf of the Department of Commerce and Consumer Affairs
(“Department”). The Department supports this version of the bill, which is similar to the
Administration’s bill, House Bill No. 3102.

The purpose of this bill and House Bill No. 3102 is to provide a more rational
atmosphere for the practice of medicine in Hawaii and to reduce the cost of medical
malpractice insurance for Hawaii’s health care providers.

Both bills propose the establishment of a \$250,000 limitation on noneconomic
damages in medical tort actions, require the trier of fact to consider and assess the
negligence of all parties (including settling defendants), add a statutory definition of
“economic damages”, allocate economic and noneconomic damages in proportion to
the provider’s share of negligence, and amend the definitions of “health care provider”
and “medical tort”. This version of the bill also allows the plaintiff to petition the court for
consideration of catastrophic damages of up to \$3 million (in lieu of the \$250,000

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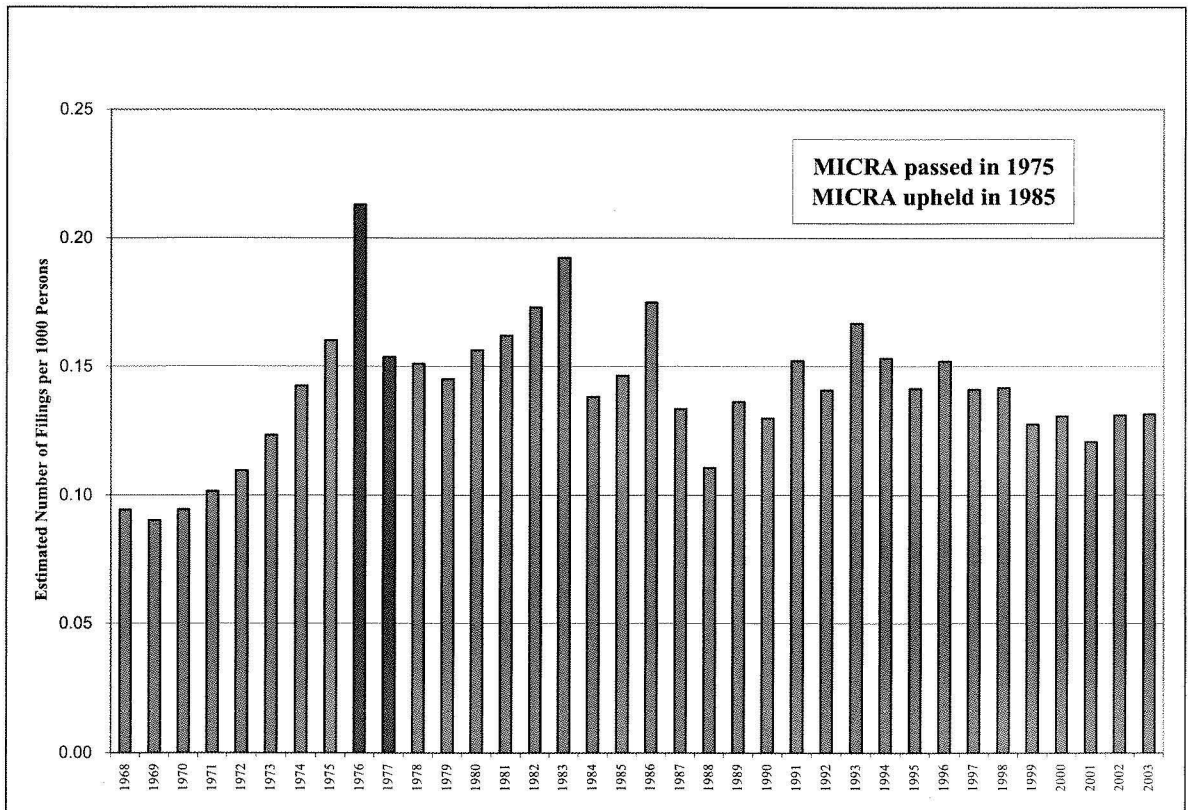
limitation on noneconomic damages) and adds an automatic sunset date of June 30, 2013.

Several studies have shown that caps on award damages consistently reduced the size of claims and premium rates for malpractice insurance.¹ Premium rates have dropped and stabilized in every state that has enacted effective caps on noneconomic damages.

California has over 30 years of experience showing a stabilized medical malpractice market after enacting a cap on noneconomic damages in the mid-70's. Texas recently enacted tort reform legislation and their premium rates went down between 8 and 16.4%. In addition, Texas saw 19 insurers return or enter the market. Licensed neurosurgeons (a critical specialty) increased by 8% and a number of towns reported an improvement in 24/7 trauma surgeon coverage. Nevada, Mississippi, and Oklahoma have passed caps on noneconomic damages and have also seen premium reductions.

I have asked our nationally recognized actuary to do an analysis of the kind of reforms we are proposing to estimate the impact on premiums. The number of doctors insured in Hawaii is so low that it very difficult to obtain sufficient numbers. But in analyzing other states' experiences as well, the preliminary analysis is that premiums in Hawaii would decrease by 12 to 18%. We expect to be able to finalize the report in about a week.

¹ Office of Technology Assessment, *Impact of Legal Reforms on Medical Malpractice Costs*, September 1996; Kenneth E. Thorpe, *The Medical Malpractice "Crisis": Recent Trends and the Impact of State Tort Reforms* (paper presented at the Council on Health Care Economics and Policy conference, "Medical Malpractice in Crisis: Health Care Policy Options," Washington, D.C., March 3, 2003); Congressional Budget Office, *Economic and Budget Issue Brief: Limiting Tort Liability for Medical Malpractice*, January 8, 2004.



Estimated Per Capita Medical Malpractice Claims Filings in California 1968- 2003

The available evidence indicates that the cap has not reduced access to the court system to any significant degree, and any reduction that has occurred is almost certain to involve the weakest claims.²

This bill clarifies that a plaintiff is entitled to all economic damages. The current statutes do not explain economic damages. Whenever a victim has explained why they needed a large multimillion dollar award, they have stated it was needed for increased costs of living, increased costs of drugs and medical expenses, building a wheelchair ramp, costs of nursing care, and other economic damages. This bill will provide recompense for all economic damages to ensure that the victim receives full recompense.

² MICRA and Access to Healthcare, by William G. Hamm, PhD., C. Paul Wazzan, PhD., & H. E. Frech III PhD., 2005.

Hawaii's unstable medical liability environment has affected the medical services available to the State's citizens, particularly in rural areas and on the neighbor islands, but the situation is getting worse even on Oahu. Kahuku Hospital has stopped delivering babies, Wahiawa has stopped delivering babies, Saint Francis West has stopped delivering babies. There are only two orthopedists on call at Queen's Medical Center now, when there used to be over 20 on call.

The crisis is even more serious on the neighbor islands. As a result, there have been numerous incidents when a person has entered the emergency room on Maui or the Big Island with a broken limb and no orthopedist could be found. So, they had to stabilize the person, put them back in an ambulance to the airport, put them on a plane and fly them to Honolulu, then transfer them to another ambulance to take them to Queen's for treatment. And, as stated above, Queen's is close to the breaking point.

Our citizens should get basic medical care and physician services when and where needed.

A recent poll found 50 to 62% of Hawaii residents on Maui, Kauai, and the Big Island had experienced or knew of the shortage in physician services. The poll found 80% of Hawaii residents want legal reforms to reduce the high cost of medical malpractice insurance for doctors.

The intent of this measure is to stabilize the medical malpractice insurance market by allowing medical malpractice carriers to better predict the amount of claims and losses. Increased certainty will have the effect of decreasing or moderating premium costs.

We thank the Committee for the opportunity to testify on this measure.

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE CONSUMER
LAWYERS OF HAWAII (CLH) IN OPPOSITION TO H.B. NO. 1992, HD 1**

February 6, 2008

To: Chairman Robert Herkes and Members of the House Committee on Consumer Protection and Commerce:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Consumer Lawyers of Hawaii (CLH) in strong opposition to H.B. No. 1992, HD 1.

The members of this committee heard extensive testimony from the proponents and opponents of similar legislation last year so I will not rehash many of the arguments we made last year and will stress some of the new facts we learned about.

First of all, the number of medical malpractice claims has dropped to 95 claims made during 2007 (thru November 22, 2007). The data from MCCP indicates that 173 claims were filed in 2001 and 95 (thru 11/22/07) in 2007. This clearly indicates that claims filed have been reduced by about 45% since 2001.

Further the data shows that there were an insignificant number of claims found to be frivolous and we know of no case filed in court that was found to be frivolous.

It is also important to reiterate that recent research shows that the highest MIEC (major medical malpractice insurer in Hawaii) rates in Los Angeles in 2007 are much higher than the highest rates in Hawaii. This is the case even where California has had a form of medical malpractice reform for over 30 years that the proponents have attempted to pass in Hawaii. Here are some examples:

<u>Specialty</u>	<u>Hawaii</u>	<u>Los Angeles</u>
Neurosurgery	\$77,104	\$107,936

OB/GYN	\$61,684	\$ 86,348
Orthopedic Surgery	\$51,404	\$ 71,956
Family Practice	\$10,284	\$ 15,832

Generally, CLH objects to this bill for several reasons. Two of the major goals of tort law are compensation for the victim and deterrence of negligent behavior. The suggested cap on non-economic damages, as evidenced in this bill, clearly will adversely impact on adequate compensation to the victims who have suffered injury as a result of medical malpractice. Further, CLH has always urged that before drastic changes are made to the civil justice system, it is necessary that the legislature be provided with good reliable data and information in order to properly analyze the need for “reform”.

Specifically, the proposal is to limit awards by placing a cap on non-economic damages, such as pain and suffering and loss of enjoyment of life. CLH maintains that **caps are unfair, arbitrary, and unnecessary**. The arbitrary nature of a cap also takes away the right of a jury to determine the proper damages for a particular injury. And it should be pointed out that where a victim has no economic damages, then that injured person is clearly unfairly limited by an arbitrary cap.

Example: A child is injured because of medical malpractice. There are really no economic damages because there is no wage loss and any recovery for medical expenses or long term care goes to third parties who provide these services. The devastation to the child and the family is enormous in terms of the grief experienced and the fact that they must live with this situation for the rest of their lives. Capping non economic damages for these kinds of victims is especially unfair.

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I would also like to emphasize that we must all at least acknowledge that the basic cause underlying the on-going medical malpractice issue is the fact that there are medical errors that occur and there is medical malpractice committed where patients are injured or die. The focus behind the so-called medical malpractice “reform” has always been and still is to reduce potential recovery for the injured patient. CLH is of the opinion that the focus should be on protecting the patients and properly compensating the injured patients, and studying the medical system to prevent medical errors and medical malpractice and the resulting injuries to patients?

Neither the Hawaii Medical Association nor the doctors who have appeared before you to testify on this issue refute the fact that medical errors or medical malpractice happens and injures or kills people. They have never disputed the facts published in 1999 by the Institute of Medicine which estimated that medical errors contribute to as high as 98,000 deaths per year, and that the annual cost to hospitals stemming from these errors has been estimated to range from 17 to 29 billion dollars. (The reference was to deaths and did not include other injuries.) The obvious conclusion is that if we can reduce the incidents of medical error and malpractice, the item that health providers complain about, malpractice premiums should be substantially reduced.

The HMA has more recently testified that doctors are leaving the state due to medical malpractice or medical malpractice premiums. It also states that the lack of physicians in rural areas is because of medical malpractice insurance premiums. The fact is that doctors generally prefer to live in urban rather than in rural areas because of greater professional opportunities, access to modern facilities and equipment, better

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schools for their children, availability of cultural, artistic, sports, shopping, dining, and other recreational activities, and of course, higher incomes.

Further, studies indicate that access is not significantly affected by malpractice premiums. The 2004 study by Dartmouth College Economics professors Baicker and Chandra, *The Effect of Malpractice Liability on the Delivery of Health Care*, confirmed that malpractice premiums was not a major obstacle to access to medical treatment. This was the same conclusion reached by the GAO study of 2003. The Dartmouth study's findings are consistent with those of the GAO study which was unable to substantiate claims by the medical profession that rising premiums were dramatically reducing the supply of physicians.

We strongly suggest that all of the basic information that has been presented be reviewed before any major policy change is made. The facts have shown that (1) the number of cases has been reduced significantly; (2) that there are hardly any claims or lawsuits that were found to be frivolous either by the courts or the MCCP; (3) the rates in California where there has been reform are higher than in Hawaii; (4) the State of Hawaii data indicates that the number of practicing physicians in Hawaii has increased each year rather than decreased.

For these and many other reasons CLH strongly opposes this bill.

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mckelvey3

From: Chinyere Ekechuku [cekechuku@hhsc.org]
Sent: Wednesday, February 06, 2008 6:51 AM
To: CPCtestimony
Subject: Testimony HB1992, HD1 RELATING TO MEDICAL LIABILITY

From
Chinyere Ekechuku (MD, MPH)
Kau hospital and Rural health clinic
1 Kamani st
Pahala, HI 96777

HB 1992 and HD1/ HD2

I am a Hawaii physician and I strongly support these bills which will help resolve the critical shortage of physicians clearly evident in Hawaii, especially on the smaller islands. I have worked in a small Emergency room on the island of Hawaii and the situation can only be described as a nightmare. The magnitude of this physician shortage cannot be overemphasized - it borders on disaster level.
Thank you for this opportunity

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mckelvey3

From: Klemmer [klemmer@hawaii.rr.com]
Sent: Tuesday, February 05, 2008 9:06 PM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

February 6, 2008

*Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair*

*House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329*

From:

Howie Klemmer, MD

4909 Kalaniana'ole Highway

Honolulu, HI 96821

808-265-0101

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.*
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.*

Thank you for the opportunity to provide this testimony.

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mckelvey3

From: SusanNish@aol.com
Sent: Monday, February 04, 2008 8:02 PM
To: CPCtestimony
Subject: strongly support

Dear Sirs:

I strongly support HB1992 HD1 You are losing physicians, and soon there will be a crisis of doctor shortages. This should be the forefront of legislation.

Susan O. Nishida MD
internal medicine

Steven D. Nishida MD
general surgery

Biggest Grammy Award surprises of all time on AOL Music.
([http://music.aol.com/grammys/pictures/never-won-a-grammy?
NCID=aolcmp00300000002548](http://music.aol.com/grammys/pictures/never-won-a-grammy?NCID=aolcmp00300000002548))

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mckelvey3

From: Phillip Milne [pmilne@hotmail.com]
Sent: Monday, February 04, 2008 8:10 PM
To: CPCtestimony; pmilne@hotmail.com
Subject: HB1992, HD2 Relating to Medical Liability

February 5, 2008

*Rep. Josh Green, M.D.
Rep. John Mizuno*

Re: HB1992, HD2 Relating to Medical Liability

*Gentleman,
Please consider supporting this bill. I am a Maui physician faced with expanding expenses and falling income. Containing malpractice premiums is a major concern for me. If my expenses continue to rise I will be forced to leave. Few physicians are interested in coming to Hawaii to take my place. The reasons are obvious.*

Thank you or good bye

Phillip Milne, MD

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

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mckelvey3

From: Alfred M. Arensdorf, M.D. [ARENSDORA001@hawaii.rr.com]
Sent: Monday, February 04, 2008 8:35 PM
To: CPCtestimony
Subject: HB1992, HD2

February 6, 2008

To:

Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair

House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

From:

Alfred M. Arensdorf M.D.
33 Keoneloia Street
Mailing address:
PO Box 3072
Wailuku, HI 96793
Tel: 808-244-6601
FAX: 808-244-6601
Cell: 808-264-7402
Email: ARENSDORA001@hawaii.rr.com

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.***
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.***
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.***

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Thank you for the opportunity to provide this testimony.

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mckelvey3

From: J. Kimo harpstrite [harpstrite@hotmail.com]
Sent: Monday, February 04, 2008 8:38 PM
To: CPCtestimony
Subject: Medical Liability reform bill

February 4, 2008

*Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair*

Rep Tommy Waters (my Rep)

*House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329*

From:

J. Kimo Harpstrite MD, 821 Mokulua Dr, Kailua HI 96734 home phone 261-6927

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most. I am a perfect example of this. I am the only trauma and reconstruction fellowship trained orthopedic surgeon in this state. I am also born and raised in Hawaii with all of my family here. I have cut out trauma care from my practice largely due to the high liability of trauma care. If I did not have such strong ties to Hawaii I would have moved.*
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve. I know first hand the Texas law has made a big difference. My fellow ship was at the U. of Texas Southwestern and my colleagues there are have noted a huge difference.*

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Thank you for the opportunity to provide this testimony.

2/5/2008

mckelvey3

From: Jerry Allison [jallisonmd@yahoo.com]
Sent: Monday, February 04, 2008 8:15 PM
To: CPCtestimony
Subject: HB 1992 Comm on Health Hearing 2/6/08

February 6, 2008

Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair
House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

From:
Jerry Allison, MD
99-969 Aiea Heights Dr., Unit K
Aiea, HI 96701
808-352-7824

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii . Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Jerry

Jerry A. Allison, MD, MS
Emergency Medicine/Family Medicine
Hawaii, USA

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2/5/2008

mckelvey3

From: harry [docharry@hawaii.rr.com]
Sent: Monday, February 04, 2008 9:07 PM
To: CPCtestimony
Subject: SB 1992, HD 1

Feb. 4, 2008
Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice-Chair
House Health Committee

Hearing scheduled for: Wed, Feb. 6, 2008, 11:45 AM, Rm. 329

From:
Harry N. Yoshino, M.D.
Chair, American College of Obstetricians and Gynecologists, Hawaii Section
1329 Lusitana St. Suite B-2
Honolulu, HI 96813
Ph: 599-4200

Re: HB 1992, HD2 Relating to Medical Liability

The ACOG Hawaii Section strongly supports HB 1992, HD2 for the following reasons:

-There is a very real shortage of physicians in the state. Physicians in critical specialties are leaving, retiring early, or cutting back their practice, and an increasing number of people do not have access to health care when they really need it.

-We can remove some of the fear and uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if we pass meaningful medical liability reform to bring medical liability insurance premiums under control.

-Medical liability reform based on the Texas model must be passed his session to stop doctors from leaving the state and provide the quality and access to health care that your family and all the people in Hawaii deserve.

Thank you very much for the oppurtunity to provide this testimony.

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February 6, 2008

To: Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair

House Health Committee

Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

From: Dr. Bernard Robinson, Neurosurgeon
98-944 Kahapili Street; Aiea, HI 96701
808-488-8698

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii neurosurgeon and I strongly support HB1992, HD2 for the following reasons:

There is a very real shortage of physicians in America and especially in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most. Even wealthy people have limited access to scarce to non-existent specialty care if there is none available at any cost. The financial overhead for a physician practicing in Hawaii is prohibitive largely because the high cost of malpractice insurance. Insurance rates are based on potential losses in malpractice claims against physicians. In order to protect the public from suboptimal access to necessary healthcare government has to act fast before physician shortages get even more critical.

We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform like other states have done to bring medical malpractice insurance premiums down to tolerable and reasonable levels.

Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Bernard Robinson, M.D.

Bernard Robinson, M.D

00024

mckelvey3

From: Louis Copman [louiscopman@earthlink.net]
Sent: Monday, February 04, 2008 10:52 PM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

February 6, 2008

*Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair*

*House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329*

From:

*Louis Copman, M.D.
68-1771 Makaanahale Pl.
Waikoloa, HI 96738, Tel: (808) 883-0059*

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii, particularly in West Hawaii (Big Island) . Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.*

- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*

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- Medical liability reform based on the Texas model needs to be passed this session to stop*

2/5/2008

the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

*Sincerely,
Louis Copman, M.D.*

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mckelvey3

From: DR. MANUEL ABUNDO [manuelabundo@hawaii.rr.com]
Sent: Tuesday, February 05, 2008 12:49 AM
To: CPCtestimony
Subject: HB 1992 HD2 RELATING TO MEDICAL LIABILITY

05 February, 2008

TO: REP. JOSH GREEN, MD-CHAIR
REP. JOHN MIZUNO-VICE CHAIR
HOUSE HEALTH COMMITTEE
RE: HB 1992, HD2 RELATING TO MEDICAL LIABILITY
HEARING SCHEDULED FOR WEDNESDAY, February 06, 2008, 11:45AM, Room 329

FROM: DR. MANUEL A ABUNDO. MD
MEDICAL ARTS CLINIC INC.
302 California Avenue, Suite 106
Wahiawa, 96786

I am a licensed physician practicing in the State of Hawaii for more than forty years. I strongly support HB 1992, HD 2 for the following reasons:

Prevent the alarming shortage of physicians in Hawaii due to the increasing uncertainty of the practice of medicine. This shortage has been attributed mainly to the rising cost of medical malpractice insurance premium.

Because of this shortage, an increasing number of people who need health care the most, do not get the care they need.

By placing medical malpractice insurance premium under control, we can possibly stop the exodus or scaling back of practice by physicians, and thereby provide the access to health care that the people of Hawaii deserve.

Based on the above testimony, it is therefore imperative that the that the medical liability reform based on the Texas model be passed this session.

THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS TESTIMONY.

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2/5/2008

mckelvey3

From: Kevin Kern [kbkern@noblesky.net]
Sent: Tuesday, February 05, 2008 5:02 AM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

/February 5, 2008/
/ /

/Rep. Josh Green, M.D., Chair

Rep. John Mizuno, Vice Chair/
/House Health Committee

Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329/

/From: /

///Kevin B. Kern, MD /

/ 95 Kamalei Circle,

Kahului, HI 96732

808-249-8225

I have been a physician in Maui since 2001, and have the effects of poor reimbursement, high costs of practice, and lack of tort reform continue to diminish the supply of physicians on the island. I support house bill 1992 as helping to one of physicians costs factors. Most physicians pay any where from \$15,000 to \$80,000 per year depending on their specialty to practice medicine in Hawaii. The physicians such as orthopedics, obstetrics, and neurosurgeons pay at the top part of the range, which is where we see the shortages on the islands. Tort reform has been working well on the mainland and I encourage the senate to support this bill which will support our community and stop the continued loss of physicians to the mainland.

thank you,

Kevin B. Kern, MD
MD-11418

/

00048

February 5, 2008

Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair

House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008,
11:45 am, Room 329

From:
Raydeen Busse, MD
Hawaii Section, Vice-Chair, American College of
Obstetrics and Gynecology
1319 Punahou St., Suite 990
Honolulu, HI 96826

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii Obstetrician and Gynecologist and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most. I personally have stopped practicing obstetrics in the last 2 years due to this fact.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Raydeen M. Busse, MD
808-946-1481

00049

February 6, 2008

Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair
House Health Committee

Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

From:

Kawika A. Mortensen, MS-2
444 N. Kalaheo Ave.
Kailua, HI 96734
(808)781-4036

Re: HB1992, HD1 Relating to Medical Liability

I am currently a second year medical student at the John A. Burns School of Medicine and I strongly support HB1992, HD1 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Please know that this bill is essential to creating a supportive healthcare environment here in Hawaii. Passing this bill would allow future doctors like myself the reassurance of knowing that practicing here at home is even a reality.

Thank you for the opportunity to provide this testimony.

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mckelvey3

From: Linda Jenks [linda.jenks@gmail.com]
Sent: Tuesday, February 05, 2008 7:53 AM
To: CPCtestimony
Subject: HB1992, HD1

February 6, 2008

Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair
House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

From:
Dr. Linda Jenks
08-1079 Moanalua Rd, Aiea, HI 96701
808-371-2154

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

mckelvey3

From: James Ruiz MD [druizinkona@yahoo.com]
Sent: Tuesday, February 05, 2008 8:14 AM
To: CPCtestimony
Subject: medical malpractice

To: Reps. Green & Mizuno
House Health Committee

From: James Ruiz MD
PO Box 2149
Kealahou, HI 96750
(808)322-1733

Re: HB1992, HD 2- Medical Liability

I am a relatively new physician to the Big Island practicing in OB/GYN. I strongly support this bill. Some controls on medical liability are imperative! I was previously in California paying less than half of what I pay now for malpractice insurance.

Without some relief, physicians (including myself) trying to practice under this burden will choose to leave back to the mainland. This will cost the state nothing in exchange for helping physicians stay in Hawaii. There is a crisis out here!

Thank You - James RuizMD

Never miss a thing. [Make Yahoo your homepage.](#)

00052

mckelvey3

From: Gregory Caputy [caputy_bliss@msn.com]
Sent: Tuesday, February 05, 2008 9:43 AM
To: CPCtestimony
Subject: tort reform

Dear Sir or Madam:

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

There is a very real shortage of physicians in Hawaii and this problem is only going to get worse. I often refer patients due to my very specialized field of practice and have great difficulty doing so - particularly on the neighbor islands. Reimbursements are very poor in this state due to (almost) single payer status but, compounding the problem of low income, high expenditures for the practice of medicine (including high malpractice premiums) make the state very unattractive to physicians of excellence. Scaling back malpractice premiums and making lawsuits less attractive to lawyers unless there is truly reason for such will be helped by this bill. Texas as well as Nevada were in similar straits a very few years ago but attracted doctors back to the area with similar legislation. Let's help Hawaii and improve access to health care with reasonable reforms such as this bill.

Thank you for the opportunity to provide this testimony.

Gregory G. Caputy, MD, PhD
AESTHETICA Plastic and Laser Surgery Center, Inc.
(808) 536-8866, (800) 488-9855
www.drgregorycaputy.com

00033

mckelvey3

From: GLavenson@aol.com
Sent: Tuesday, February 05, 2008 10:02 AM
To: CPCtestimony
Subject: Fwd: HMA Medical Liability Reform Bill Alert - Time Sensitive

From:

George S. Lavenson, Jr., M.D.

50 Puu Anoano #2801
Lahaina, HI 96761
808-667-9300

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.*

- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*

- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.*

00056

mckelvey3

From: Brian Hoyle [bhoyle@prodigy.net]
Sent: Tuesday, February 05, 2008 9:44 AM
To: CPCtestimony
Cc: mauiduck@hawaii.rr.com; 'Joe Pluta'; norm@mauicomunicators.com
Subject: Medical Malpractice Reform Bill
Importance: High

February 5, 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:
Brian H. Hoyle
President, Newport Hospital Corporation
2278 Channel Road
Newport Beach, CA 92661
Hawaii Office:
2969 Kalakaua Ave. #1201
Honolulu, HI 96815
(949) 375-4131*

Re: HB1992, HD2 Relating to Medical Liability

As the Developer of the new West Maui Medical Center in Kaanapali, Maui, I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii which will impact my ability to staff the new West Maui Hospital and Long Term Care Facilities. Since physicians in critical specialties are leaving or cutting back their practice, I will need to recruit mainland physicians to our new West Maui Hospital who will be very reluctant to move given the extremely high Hawaii malpractice insurance rates.*
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors and help recruit desperately needed mainland doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*
- As I have seen in my partner company, Southwest Health Group, LLC based in Houston, Medical liability reform based on the Texas model has dramatically improved retention of our Texas physician partners and staff for our Texas hospital operations. This Bill needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.*

2/5/2008

00051

Thank you for the opportunity to provide this testimony.

*Brian H. Hoyle
President, Newport Hospital Corporation,
Developer of the West Maui Medical Center
r
Partner of Southwest Health Group, LLC
Houston, Texas*

BRIAN H. HOYLE

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mckelvey3

From: Larry Peebles [lapeebles@gmail.com]

Sent: Tuesday, February 05, 2008 10:28 AM

To: CPCtestimony

Subject: HB1992,HD1

I am a physician in Hawaii and the chief of staff at Kona Community Hospital. I have been in Hawaii for 28 years. I strongly support this bill because it will create a more friendly environment for practicing physicians and will aid in physician recruitment, which we desperately need. It will also lower the cost of medicine by curbing the practice of defensive medicine.

sincerely,

Lawrence A.Peebles, M.D.F.A.C.S.,

00057

2/5/2008

mckelvey3

From: Anne Biedel [abiedel@mauimedical.com]
Sent: Tuesday, February 05, 2008 10:30 AM
To: CPCtestimony
Subject: malpractice limits

Dear Sir or Madam:

Please help me stay in practice in Hawaii! As a primary care doctor on Maui I am very concerned about finding replacements for physicians who are retiring or leaving our State for more physician-friendly ones. If Hawaii does not address the access to healthcare crisis which is not looming but present there will be no qualified physicians to care for folks. Taking the first step toward tort reform is very important because it sends the message to providers that our legislators are listening. Please consider supporting HB 1992, HD1. Thank you for your consideration.

Anne E. Biedel, MD
Maui Medical Group
President
Maui County Medical Society

00008

2/5/2008

mckelvey3

From: Gautam A. Deshpande, MD [drdeshpande@gmail.com]
Sent: Tuesday, February 05, 2008 10:32 AM
To: CPCtestimony
Subject: Re: HB1992, HD2 Relating to Medical Liability

February 6, 2008

To:
Rep. Josh Green, MD, Chair
Rep. John Mizuno, Vice Chair
House Health Committee
Hearing scheduled for: Wed 2/6/08, 11:45am, Room 329

From:
Gautam A. Deshpande, MD
1025 Wilder Ave #12A
Honolulu, HI 96822
832-215-3120

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

As a young physician in Hawaii, who would like to stay in Hawaii, I believe that this reform will prevent the exodus of doctors that Hawaii is currently facing and provide access to health care that the people of Hawaii deserve. Medical liability of this nature has been successful in numerous other states, most notably Texas.

This reform will provide job stability for physicians in Hawaii and bring medical insurance premiums under control.

I was on-call last night; believe me, I know first hand that there is a very real shortage of physicians--both specialists and primary care---in Hawaii. The impact on the community is both very unfortunate and very real. This reform will give access to health care to the people who need it most.

Thank you for the opportunity to provide this testimony.

Sincerely,
Gautam A. Deshpande, MD

UH Internal Medicine Training Program
Kuakini Hospital
Chief Medical Resident/Hospitalist Service

This message and its contents are strictly provided for the recipient of this e-mail. Any unauthorized viewing of this e-mail by other parties for which it is unintended shall be considered as a breach of confidentiality rules as defined by UH Internal Medicine and Kuakini Hospital.

2/5/2008

00030

mckelvey3

From: Nathan Fujita [docnate@hotmail.com]
Sent: Tuesday, February 05, 2008 10:58 AM
To: CPCtestimony
Subject: HB1992HD1

*I am Chief of OBGYN at the Queen's Medical Center and I strongly support HB1992 HD 2 to give doctors a sense of security in practicing in Hawaii. We all acknowledge the shortage of specialty physicians in Hawaii. This bill will give doctors some basis for continuing to practice in Hawaii and preventing the exodus that is underway.
Thank you for the opportunity to provide this testimony.*

*Nathan Fujita M.D.F.A.C.O.G.
Queen's Physicians' Office Building II
1329 Lusitana, Suite 402
Honolulu, HI 96813*

00000

2/5/2008

mckelvey3

From: matt heiller [hermosahi@yahoo.com]
Sent: Tuesday, February 05, 2008 10:53 AM
To: CPCtestimony
Subject: support for HB1992

I am in favor of HB1992 (HD1).
Matt Heiller
Kailua Kona

Never miss a thing. Make Yahoo your home page.
<http://www.yahoo.com/r/hs>

mckelvey3

From: Joseph.R.Dicostanzo@kp.org
Sent: Tuesday, February 05, 2008 11:26 AM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

February 6, 2008

*Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair
House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329*

*From:
Joe DiCostanzo MD
1010 Pensacola St, Honolulu, HI 96814
808-432-2200*

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.*
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.*

Thank you for the opportunity to provide this testimony.

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00002

2/5/2008



Maui Medical Group, Inc.

Health Care Excellence For Maui Since 1961

February 6, 2008

Rep. Josh Green, M.D., Chair

Rep. John Mizuno, Vice Chair

House Health Committee

Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

Re: HB1992, HD2 Relating to Medical Liability

On Maui, we physicians have heard from our Big Island peers, of the severe crisis in physician shortage on our sister island. The lack of physicians there has resulted in an untenable healthcare situation, placing the community at risk. Unfortunately, it now appears that Maui is moving in the same direction.

Recruitment and retention of physicians has become progressively more challenging and now threatens the sustainability of the physician workforce in our state. Those physicians choosing to stay in Hawaii and remain in practice, have been overworked and are rapidly aging. Physician demographic trends now point to an impending catastrophe in the Hawaii healthcare industry.

Inadequate reimbursements and out of balance cost of living and practice, make a medical practice in Hawaii unsustainable. Amongst the many factors contributing to the cost of medical practice is the rising cost of malpractice insurance.

As a practicing physician on the island of Maui, I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Guy K. Hirayama MD, FAAP
2180 Main Street
Wailuku, HI 96793
808-2424263

00003



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Executive Director

February 6, 2008

To: Rep. Robert Herkes, M.D., Chair
Rep. Angus McKelvey, Vice Chair
House Consumer Protection & Commerce
Committee

From: Cynthia J. Goto, M.D., President
Linda Rasmussen, M.D., Legislative Co-Chair
Philip Hellreich, M.D., Legislative Co-Chair
Paula Arcena, Executive Director
Dick Botti, Government Affairs Liaison

Re: HB1992, HD1 Relating to Medical Liability
(Addresses medical malpractice insurance costs by capping non-economic damages at \$250,000, establishing a limit of \$3,000,000 for non-economic damages determined by the court to be catastrophic damages, and requiring that economic damages be allocated based upon proportionate percentage of negligence. Sunsets June 30, 2013.)

The Hawaii Medical Association strongly supports HB1992, HD1.

This bill proposes to establish a cap on non-economic damages and limits on attorney fees. The HMA supports these actions because they will help to stabilize now volatile medical malpractice insurance premiums, which is a major cause of Hawaii's patient access to care crisis.

We support this bill for the following reasons:

Establishes A Cap On Non-Economic Damages

- A \$250,000 cap on non-economic damages has been proven to stabilize otherwise volatile premiums.
- Non-economic damages are compensation for pain and suffering, loss of consortium and loss of enjoyment. These are difficult damages to quantify and a cap would establish a much needed standard.

Defines Economic Damages

- The bill provides a much needed definition of economic damages.

PLEASE DELIVER

To rm 325 for:
CPC Committee

Wed.
2/6/08
2pm

Hawaii Medical Association
1360 S. Beretania St.
Suite 200
Honolulu, HI 96814
(808) 536-7702
(808) 528-2376 fax
www.hmaonline.net

00084

- The HMA proposes no cap on economic damages, which are compensation for past and future medical expenses, rehabilitative expenses, living expenses and lost income or income-equivalents (in the case of a homemaker, for instance). These damages can be quantified.
- The HMA proposes no cap on punitive damages, which is intended to punish the defendant.

Proportionate Allocation of Economic and Non-Economic Damages

- The bill will allow the allocation of damages based on his or her proportionate percentage of negligence or other fault. We believe it is fair to hold each physician responsible for their share of negligence or other fault.

In other states, legislation similar to HB1992, HD1, have been powerful tools for stabilizing medical malpractice insurance premiums in other states.

Formerly in crisis, the state of Texas has successfully overcome its patient access to care crisis in large part due to establishing caps on non-economic damages. Improvements include:

- Licensing 3324 new doctors in 2007, including a net gain of 186 obstetricians
- Bringing specialty care to underserved areas, including the addition of 189 physicians in Rio Grande Valley and other rural areas
- Stabilized and reduced medical malpractice insurance premiums
- Four new admitted, rate-regulated malpractice insurance carriers (Advocate MD of the Southwest, Medical Liability Insurance Company of America, Medicus Insurance Company and the Physicians Insurance Company).

In order to address Hawaii growing patient access to care crisis, the Hawaii legislature needs to take major steps. HB1992, HD1 represents positive change that needed now to prevent failure of Hawaii's healthcare system.

Thank you for the opportunity to testify on this matter.

mckelvey3

From: Colin L. Love [colinlove@hawaii.rr.com]
Sent: Tuesday, February 05, 2008 12:16 PM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

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:
Your Colin L. Love
Your 77-6348 Alii Drive
Kailua-Kona, HI 96740
Your 329-2460

Re: HB1992, HD2 Relating to Medical Liability

I am an attorney and I strongly support HB1992, HD2 for the following reasons:

There is a very real shortage of physicians on the west side of the Island of Hawaii. Things have gotten to the point where we have to depend on visiting physicians from Oahu or we have to travel to Hilo. West Hawaii physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.

We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.

- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony

Colin L. Love

00086

HB 1992

mckelvey3

From: RUSKELLY@aol.com
Sent: Monday, February 04, 2008 11:38 PM
To: CPCtestimony
Subject: Tort reform

Please support the tort reform with 250000 dollars cap for economic damages . as you all know there is a scarcity of island doctors plus the payment scale here is low to attrct other physicians.

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

00057

mckelvey3

From: Kevin Roberts [RobertKA@ah.org]
Sent: Tuesday, February 05, 2008 12:39 PM
To: CPCtestimony
Subject: Support HB 1992, HD2

February 5, 2008

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

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

From:
Kevin A. Roberts, President and CEO
Castle Medical Center
640 Ulukahiki Street
Kailua, HI 96734
808-263-5142

Re: HB1992, HD2 Relating to Medical Liability

I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Mahalo for the opportunity to provide this testimony.

00068

mckelvey3

From: The Land of OZ [ozland@maui.net]
Sent: Tuesday, February 05, 2008 12:46 PM
To: CPCtestimony
Subject: HB 1992 HD 1

Dear Representatives Green and Mizuno,

I encourage you to support HB1992, HD1. I am a pediatrician in solo private practice on Maui for the last 23 years. It is very difficult to recruit any new physician to Hawaii. I have been trying to recruit another physician to my practice for the last three years in order to take care of our underserved population. Physicians are leaving Hawaii and/or retiring and no new physicians are coming to replace them. A child with a broken bone often needs to wait over a week or more to find an orthopedist to care for the fracture. This is really not acceptable. Patients are left in the lurch; unable to find medical care. They end up in the emergency room with no physician. The lack of access to physicians, increases the risk for poor health care. This increases the chance of bad outcomes. The cost of malpractice/liability insurance is very high. New physicians cannot afford to come to Hawaii and pay the premiums. Well established physicians have a hard time paying premiums. Who suffers? The people of Hawaii. Lack of access to care and not enough physicians puts everyone at risk.

Please support HB1992. This is your chance to help physicians and patients.

Sincerely,
Frank R. Baum, M.D.
200 Kalepa Place
Kahului, HI 96732
(808)871-7116

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Robert Herkes, Chair

Conference Room 325
Wednesday, February 6, 2008 at 2:00 p.m.

Testimony in support of HB 1992 HD 1.

I am Rich Meiers, President and CEO of the Healthcare Association of Hawaii, which represents the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. I regret that I shall not be able to testify in person due to a previous commitment. However, I appreciate this opportunity to submit written testimony in support of HB 1992, which reforms Hawaii's medical tort system.

Hospitals fully support compensation for patients who have been injured by medical negligence. Injured patients should receive all economic damages, such as lost wages and medical expenses. However, medical malpractice insurance rates have been rising so fast, especially for certain specialties, that some physicians in certain states have moved to other states with lower premiums or chosen other fields of employment. That is now happening to Hawaii.

In response to a medical liability crisis in 1975 similar to what is now happening in other states, California passed the Medical Injury Compensation Reform Act (MICRA). Since then, California hospitals, physicians, and patients have been spared the crisis that many other states are now experiencing. MICRA guarantees injured patients full payment for lost wages and medical expenses, but reasonably limits the amount that can be awarded for non-economic damages and attorneys' contingency fees.

MICRA's provisions enable California health care professionals to focus on providing high quality care without engaging in costly defensive medicine practices just to protect themselves against lawsuits. Because of MICRA, California now has some of the lowest malpractice premiums in the nation.

Hawaii usually follows trends on the mainland, and we are now facing a medical malpractice crisis. Emergency room physicians are disproportionately affected.

The Healthcare Association supports the following:

- (1) Limiting noneconomic damages to \$250,000;
- (2) Limiting attorneys' fees;
- (3) Assessing damages in direct proportion to the degree of negligence assigned to each party; and
- (4) Providing added protections to emergency room physicians.

Thank you for this opportunity to testify in support of HB 1992 HD 1.

00070

Testimony of
Phyllis Dendle
Director of Government Affairs

Before:
House Committee on Consumer Protection and Commerce
The Honorable Robert N. Herkes, Chair
The Honorable Angus L.K. McKelvey, Vice Chair

February 6, 2008
2:00 pm
Conference Room 325

HB 1992 HD1 Relating to Medical Liability

Chair Herkes and committee members, thank you for this opportunity to provide testimony on HB1992 HD1 which amends the law regarding medical liability.

Kaiser Permanente supports this legislation.

We believe that compensating individuals that are injured is essential. It is also essential that individuals have access to specialty care when they need it. The dramatic rise in medical malpractice insurance costs is decreasing the availability of specialist in many places on the mainland and many places in Hawaii.

California addressed this problem with the Medical Injury Compensation Reform Act of 1975 (MICRA). The bill before you provides many of the same kind of provisions that stabilized insurance rates in California.

We urge you to pass legislation that is similar to that successful law.

Thank you for your consideration on this matter.

mckelvey3

From: Netzer MD [netzermd@hotmail.com]
Sent: Tuesday, February 05, 2008 1:02 PM
To: CPCtestimony
Subject: HB 1992

Rep. Josh Green, M.D., Chair
 Rep. John Mizuno, Vice Chair
 House Health Committee

From: R.Craig Netzer, M.D.
 4473 Pahee St., Ste O
 Lihue HI 96766

Ph 808-246-2002.

Re: HB 1992, HD2 Relating to Medical Liability

There are two main causes for the exodus of doctors; low reimbursement from insurance companies like HMSA and HMA Inc/Summerlin, and high malpractice costs.

Since it seems no one in the legislature wants to tackle the HMSA problem, something must be done about malpractice lawsuits. Please consider medical liability reform. Please help stop the exodus

There has been an exodus of physicians from **Kauai** in the last five years, especially From Kauai Medical Clinic, but also from private practice. See the list below.

Elizabeth Bjornskov, Neurology, K M C.	Joseph Baily, Cardiology, KMC
Stephen DeNigris, Gastroenterology, KMC	Hayato Mori, Orthopedics, KMC
Karen Ratliff, Family Practice, KMC	William RentiCruz, Family Practice, KMC
Ellen Ellmore, Family Practice, KMC	Jody Tversky, Internal Med, KMC
Diane Noyes, Internal Med, KMC	James Lockyer, Internal Med, KMC
Peter Kim, Internal Med, KMC	Ira Murphy, OB/Gyn, KMC
Deke Thomas, Pediatrics, KMC	
Tonya Janssen, Hospitalist, KMC	Jeannie Le, Hospitalist, KMC
Leslie Schmitz, Hospitalist, KMC	Doug Ramey, Nurse Anesthetist, KMC
Bill Evslin, Pediatrics, KMC	Donna Farley, Nurse Midwife, KMC
Neal Sutherland, Internal /Pain Med, KMC	Tad Jackson, Pulmonologist, KMC
Niraj Desai, Nephrologist, KMC	Craig Nickmeyer, Radiology, KMC
Eugene Shafton, Cardiologist, KMC	Grace Inouye, Oncologist, KMC
Charles Schutt, Ob/Gyn, KMC	John Hayward, Oncologist, KMC
Jim Lin, Pediatrics, KMC	Suzanne Nelson, Pediatrics, KMC
Gregory Kassel, Orthopedics, KMC	Thomas Capelli, Internal Medicine, KMC
Charlotte Hunter, Family Practice, KMC	Melinda Menezes, Family Practice, KMC
Larry McKnight, Internal Med, KMC	Timothy Lee, Ophthalmology, KMC
Ronald Burkhart, Fam Prac, KMC	James McGreevy, Surgery, KMC
Paul Hoffman, Surgery, KMC	Victoria Wolfgramm, Fam Prac, KMC
Eric Yee, Fam Prac, KMC	Melani Harker, Ob/Gyn, KMC
Arnulfo Diaz, InternalMed, KMC	Andrew Faraci, Anesthesia, KMC

2/5/2008

00072

Other independent physicians who have left Kauai in the last five years include:

Thomas Harrison, Internal Med	Robert Burnett, OB/Gyn
Teresa Birchard, OB/Gyn	Greg Apetz, OB/Gyn
Thomas Burnison, ER	Momi Ka'anoi, Family Practice
Judy Jordan, Internal Med	Rick Majauskas, Family Practice
Ron Fujimoto, Family Practice	Marilyn Broderick, Family Practice
Donna Farley, CNM/Midwife	Robert Warnock, OB/Gyn
Jeff Wong, Ob/Gyn	Martha Ryker, Ob/Gyn
Linda Weiner, Pediatrics	Robert Weiner, Surgery
Harold Spear, General Prac	Ellen Wright, FNP
Eugene Kroon, Fam Prac.	

Should you have any question, please call me at 808-246-2002
R. Craig Netzer, M.D.

Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

00073

February 5, 2008

To:

Rep. Josh Green, MD , Chair

Rep. John Mizuno, Vice Chair

House Health Committee

Hearing scheduled for : Wednesday, February 6, 2008 @ 11:45 AM, Room 329

From:

Dwight Lin, MD

321 North Kuakini Street, #411

Honolulu, HI 96817

Re: HB 1992, HD2 relating to medical liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

1. There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
2. We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
3. Medical liability based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Sincerely,



Dwight Lin, MD

00074

mckelvey3

From: MK [mkw@hawaii.rr.com]
Sent: Tuesday, February 05, 2008 2:06 PM
To: CPCtestimony
Subject: RE: HB 1992,HD 1 Medical Liability Reform

Dear Representatives Josh Green and John Mizuno,

I am an Hawaii resident. I just learned that the House is considering this bill to limit the medical liability. As a resident I am VERY concerned about our exodus of highly qualified doctors who are fleeing to the mainland due to the exorbitant costs of practicing in our state. Passing this reform would be one step in the right direction of pulling in the reigns on one of the sources of their dramatically rising costs.

Just last spring our family doctor announced that she was quitting her practice. She was very young, well liked, and very good! Rising costs such as medical liability insurance and poor medicare co- payments were cited among the reasons for closing her door. Just this past week my OBGYN doctor told me that she was basically running her business month to month due to the increasing costs of her practice. Plus I know first hand of the financial struggles of my other doctors. This shouldn't be!

We are in a severe doctor crisis here on the windward side. Passing HR 1992, HD 1 would help to stem the tide of the outflow of our doctors. Please, please listen to their pleas for reform. Please, please listen to the residents concerns the future of our medical care in these islands.

Sincerely,
Marianne K. Whiting
1111 Koohoo Place
Kailua, HI

00075

mckelvey3

From: EK [ekw@hawaii.rr.com]
Sent: Tuesday, February 05, 2008 2:21 PM
To: CPCtestimony
Subject: Testimony HB 1992, HD 2 - Relating to Medical Liability

Rep. Josh Green, MD
Rep. John Mizuno

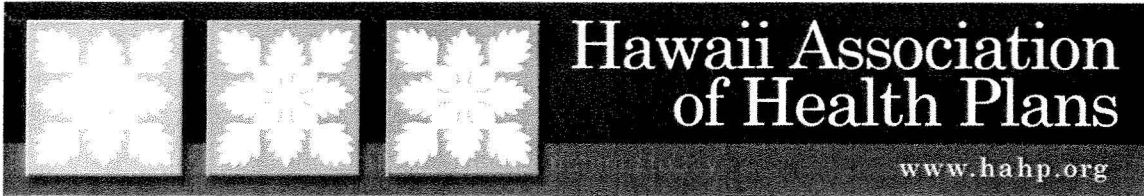
I am a Kailua resident and my beloved physician, Dr Helen Ing quit in the prime of her practice, mainly because of the medical liability. She was the 11th doctor from Castle Hospital to have quit. I had trouble finding a new doctor. Dr Sally Chang accepted me, but the next available appointment was 3 MONTHS AWAY! What do I do for non emergency illnesses?

Please do everything you can to stem the scary outflow of our doctors. Please make certain that medical liability is reduced to reasonable levels. At the present time, the price all of us pay so that victims can get a windfall in addition to conscionable awards is way too high!

Thank you for your efforts on behalf of all of us!

E.K. Whiting
1111 Koohoo Pl
Kailua, HI 96734
263 6489

00076



February 6, 2008

The Honorable Robert N. Herkes, Chair
The Honorable Angus L.K. McKelvey, Vice Chair

House Committee on Consumer Protection and Commerce

Re: HB 1992 HD1 – Relating to Medical Liability

Dear Chair Herkes, Vice Chair McKelvey and Members of the Committee:

My name is Rick Jackson and I am President of the Hawaii Association of Health Plans (“HAHP”). HAHP is a non-profit organization consisting of seven (7) member organizations:

AlohaCare
Hawaii Medical Assurance Association
HMSA
Hawaii-Western Management Group, Inc.

MDX Hawai‘i
University Health Alliance
UnitedHealthcare

Our mission is to promote initiatives aimed at improving the overall health of Hawaii. We are also active participants in the legislative process. Before providing any testimony at a Legislative hearing, all HAHP member organizations must be in unanimous agreement of the statement or position.

HAHP appreciates the opportunity to testify in support of HB 1992 HD1 which would lower medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates. HAHP supports the intent of this bill as a good first step toward helping to contain the spiraling cost of medical malpractice insurance.

HAHP believes the time has come for the Legislature to seriously consider significant changes to Hawaii statutes regarding medical malpractice, especially establishing caps on non-economic damage awards.

We agree with statements made by local physician organizations that the current medical tort system drives significant “defensive medicine” costs and has led to neighbor island

- AlohaCare • HMAA • HMSA • HWMG • MDX Hawaii • UHA • UnitedHealthcare •
- HAHP c/o Howard Lee, UHA, 700 Bishop Street, Suite 300 Honolulu 96813
www.hahp.org

00077

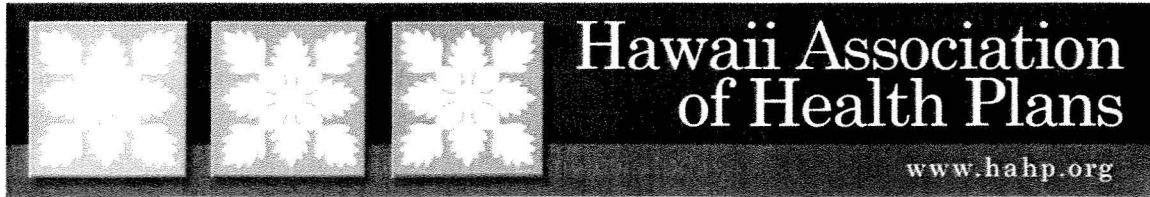
shortages in key surgical specialties. In our role as health insurance providers, the members of HAHP see these facts daily in our medical claims costs and in limitations in the numbers and types of our contracted physicians on neighbor islands.

Thank you for the opportunity to offer comments today.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Jackson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Jackson
President



February 6, 2008

The Honorable Robert N. Herkes, Chair
The Honorable Angus L.K. McKelvey, Vice Chair

House Committee on Consumer Protection and Commerce

Re: HB 1992 HD1 – Relating to Medical Liability

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- AlohaCare • HMAA • HMSA • HWMG • MDX Hawaii • UHA • UnitedHealthcare •
- HAHP c/o Howard Lee, UHA, 700 Bishop Street, Suite 300 Honolulu 96813
www.hahp.org

00079

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Thank you for the opportunity to offer comments today.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Jackson". The signature is fluid and cursive, with a large initial "R" and "J".

Rick Jackson
President

mckelvey3

From: Vince K. Yamashiroya [yamashirv002@hawaiiintel.net]
Sent: Tuesday, February 05, 2008 2:58 PM
To: CPCtestimony
Subject: HB1992, HD2 Relating to Medical Liability

February 6, 2008

*Rep. Josh Green, M.D., Chair
Rep. John Mizuño, Vice Chair
House Health Committee
Hearing Scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329*

*From:
Dr. Vince Yamashiroya
1010 South King Street, Suite 105
Honolulu, HI 96814
(808) 596-2030*

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.*
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.*
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.*

Thank you for the opportunity to provide this testimony.

Vince Yamashiroya, M.D., FAAP
General Pediatrics in Private Practice and Clinical Associate Professor of Pediatrics at the University of Hawaii

Medical Arts Building
1010 South King Street, Suite 105
Honolulu, Hawaii 96814

Tel: (808) 596-2030; Fax (808) 596-2034
yamashirv002@hawaii.rr.com; www.vinceyamashiroya.yourmd.com

This electronic message is intended only for the individual or entity to which it is addressed and may contain information that is confidential and protected by law. If you are not the intended recipient of this e-mail, you are cautioned that the use of its contents in any way is prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by e-mail or telephone and return the original message by e-mail to the sender. Thank you.

00081

2/5/2008

mckelvey3

From: Diane Holschuh [triplef@interpac.net]
Sent: Tuesday, February 05, 2008 3:05 PM
To: CPCtestimony
Subject: HB 1992 HD 2 Relating to Medical Liability

Please deliver the required number of copies to Room 329 for the House Health Committee hearing Wednesday, 2/6/08, 11:45 a.m.

TO: Rep. Josh Green, M.D., Chair, rep. John Mizuno, Vice Chair, and Members, House Health Committee
FROM: Fred C. Holschuh, M.D., P.O. Box 2004, Honokaa, Hawaii 96727, (808) 640-3181
Re: HB 1992 HD2 Relating to Medical Liability

I am a Hawaii physician and am testifying in strong support of HB 1992 HD2. This bill will provide medical malpractice relief. I support the cap on non-economic damages set at \$250,000.00
Medical liability reform is an important part of solving the serious problem of limited access to medical care. This is especially true on the island of Hawaii.
Thank you for the opportunity to provide testimony.

Respectfully,

Fred C. Holschuh, M.D.

00082

February 5, 2008

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

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

From: Elizabeth L. Meierdiercks LPN
83-5397C Mamalahoa Hwy.
Captain Cook, HI 96704
Phone: (808) 936-8210

Re: HB1992, HD2 Relating to Medical Liability

I strongly support HB1992, HD2 for the following reasons:

There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.

We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.

Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to the health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Elizabeth L. Meierdiercks LPN
Elizabeth L. Meierdiercks LPN

00083

HENRY K. LEE LOY, M.D., INC.

INTERNAL MEDICINE

670 PONAHAHAWAI STREET, SUITE 218

HILO, HAWAII 96720

TELEPHONE (808) 969-2011

FAX (808) 969-3480

February 6, 2008

Rep. Josh Green, M.D., Chair

Rep. John Mizuno, Vice Chair

House Health Committee

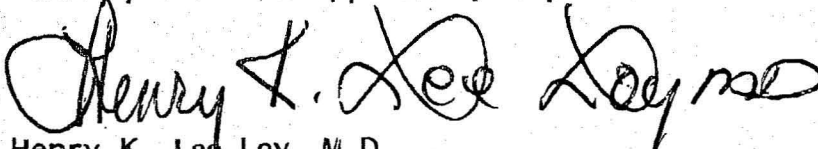
Hearing scheduled for: Wednesday February 6, 2008, 11:45 am, Room 329

Re: HB1992, HD2 Relating to Medical Liability

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1. There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
2. We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
3. Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.



Henry K. Lee Loy, M.D.

00034



THE HEART CENTER at HMC

William H. Sammond, MD, FACC
1190 Waiānūenue Avenue ♥ Hilo, Hawai'i 96720
Phone 808.935.5595 ♥ Fax 808.974.6798

TO: Representative Josh Green, Chair
Representative John Mizuno Vice Chair
House Health Committee
Hearing Scheduled for Wednesday, February 6, 2008 at 11:45 am, Room 329

FROM: William H. Sammond, M.D., F.A.C.C.
The Heart Center at the Hilo Medical Center
1190 Waiānūenue Avenue
Hilo, HI 96720

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- I am a cardiac specialist that has moved back to Hilo to provide care to the people of Hawaii. I am swamped – I need help! Legislation such as this would be helpful in recruiting physicians to come join me. The need is now. Please act now.
- The shortage of physicians in Hawaii is very real. Physicians in critical specialties are retiring, leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and encourage new physicians to come if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.



February 5, 2008

Rep. Josh Green, M.D. Chair
Rep. John Mizuno, Vice Chair
House Health Committee
Hearing Scheduled for Wednesday 2/6/2008, 11:45am, Room 329

From: Pamela C. McKenna, M.D.
P.O. Box 6690
Kamuela, HI 96743
(808) 885-7111

Re: HB 1992, HD2 Relating to Medical Liability

I have worked on the Big Island for 18 years and spent 9 years working in Kahuku before that. The challenges of practicing quality medicine in Hawaii have increased as there are fewer primary care doctors and the number of specialists drops, especially here on the Big Island. If this trend continues, the system will not survive.

Please help by passing tort reform bills HB1992 and HD2. Thank you for letting us give testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela C. McKenna'. The signature is fluid and cursive, with a large initial 'P'.

Pamela C. McKenna, M.D.

00086

*Island
Eye Care, Inc.*



*Dedicated to Vision
Committed to Caring*

Susan H. Senft, M.D., FRCOphth.
Diplomate, American Board of Ophthalmology
Fellow, American Academy of Ophthalmology
Fellow, Royal College of Ophthalmologists

Crossroads Medical Centre
75-1028 Henry St., Suite #200
Kailua-Kona, HI 96740
(808) 329-EYES (3937)
(808) 329-0633 FAX
www.islandeyecare-hawaii.com

February 5, 2008

Rep. Josh Green, M.D., Chair

Rep. John Mizuno, Vice Chair

House Health Committee

Hearing Scheduled for: Wednesday February 5, 2008, 11:45 am, Room 329

Re: HB1992, HD2 Relating to Medical Liability

Dear Sirs,

I am a Hawaii physician and I strongly support HB 1992, Hd2 for the following reasons:

1. There is a very real shortage of qualified physicians in our state of Hawaii. Physicians in critical specialties are leaving the islands or they are cutting back their practice. Every day more and more local people are being denied good health care when they need it the most.
2. We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or the scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
3. Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve and so need at this time and date.

Mahalo for the opportunity to provide this testimony and to be heard.

Susan H. Senft MD

Susan H. Senft MD

00087

From:
Your Name
Your Address
Your Phone Number

ROB MASTROIANNI MD
51 MAKAHAEO AVE #100
MAKAHAEO, HI 96768
808/573-8900

Re: HB1992, HD2 Relating to Medical Liability

I am a Hawaii physician and I strongly support HB1992, HD2 for the following reasons:

- There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.
- We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.
- Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

FOR MORE INFORMATION, CONTACT

Paula Arcena, Executive Director
paula_arcena@hma-assn.org

Karla Sasser, Government Affairs Assistant
karla_sasser@hma-assn.org

Hawaii Medical Association
1360 S. Beretania Street, Suite 200
Honolulu, Hawaii 96814
(808) 536-7702
Hmaonline.net

February 5, 2008

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

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

From: Jacqueline K. Alani
PO Box 141
Honaunau, HI 96726-0141
Phone: (808) 896-6505

Re: HB1992, HD2 Relating to Medical Liability

I strongly support HB1992, HD2 for the following reasons:

There is a very real shortage of physicians in Hawaii. Physicians in critical specialties are leaving or cutting back their practice, and every day more and more people do not have access to health care when they need it most.

We can remove some of the uncertainty of practicing medicine in Hawaii and stop the exodus or scaling back of practices by doctors if the legislature will pass medical liability reform to bring medical malpractice insurance premiums under control.

Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to the health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.


Jacqueline K. Alani

00039

February 5, 2008

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

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

From: Max Engel
75-217 NaniKailua Dr. #136
Kailua-Kona, HI 96740
Phone: (808) 896-6505

Re: HB1992, HD2 Relating to Medical Liability

I strongly support HB1992, HD2 for the following reasons:

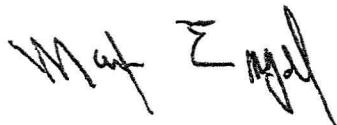
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Medical liability reform based on the Texas model needs to be passed this session to stop the exodus of doctors and provide the access to the health care that the people of Hawaii deserve.

Thank you for the opportunity to provide this testimony.

Max Engel



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HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Every Day"

Written Testimony Only

The House of Representatives

Consumer Protection & Commerce Committee
Representative Robert Herkes, Chair
Representative Angus McKelvey, Vice Chair

February 6, 2008 at 2:00 PM
Conference Room 325
Hawaii State Capitol

Testimony Supporting HB 1992 HD1, Relating to Health
Addresses medical malpractice insurance costs by capping non-economic damages, establishes a limit for non-economic damages determined by the court to be catastrophic damages, and requires that economic damages be allocated based upon proportionate percentage of negligence. Sunsets June 30, 2013.

Thomas M. Driskill, Jr.
President and Chief Executive Officer

Thank you for the opportunity to provide testimony in support of HB 1992 HD1, which addresses medical malpractice insurance costs.

Expensive malpractice insurance is among the increasing pressures on physicians in decision-making to remain in practice. As a safety-net health care system with five regions located on Hawaii, Kauai, Maui, Lanai and Oahu, the Hawaii Health Systems Corporation (HHSC) continues to experience the need to attract and maintain health care professionals particularly in Hawaii's rural communities.

HHSC supports HB 1992 HD1 that addresses the high costs of medical insurance which contributes to the high costs of healthcare and also impacts access to healthcare. This measure is needed to improve the healthcare environment for providers and patients. Thank you.

3675 KILAUEA AVENUE • HONOLULU, HAWAII 96816 • PHONE: (808) 733-4020 • FAX: (808) 733-4028

HILO • HONOKAA • KAU • KONA • KOHALA • WAIMEA • KAPAA • WAILUKU • KULA • LANAI • HONOLULU
www.hhsc.org <<http://www.hhsc.org>>

00001

FAX ~~568-6057~~

DOROTHYANN M. LINDES. M.D.

Family Practice

EAST OAHU MEDICAL CENTER, INC.

850 West Hind Drive, #110

Honolulu, HI 96821

(808) 373-5728

Fax: (808) 377-3432

WINDWARD MEDICAL CLINIC, INC.

407 Ulukou Street, #103

Kailua, HI 96734

(808) 261-9700

Fax: (808) 261-9609

2-5-08

Re: HB 1992, HD 2 Relating to Medical Liability

To whom it may concern:

I am a family physician practicing in Oahu for the past 8 yrs. I strongly support this bill for three reasons:

- 1) There is a shortage of doctors in Hawaii because between the high cost of running a practice, housing, & malpractice premiums, it is very difficult to continue to practice.
- 2) If we could reduce malpractice insurance premiums with liability reform based on the Texas model, more physicians could be retained & recruited.
- 3) Many physicians are not coming here to practice & many will soon retire - there will be a critical shortage. This bill would provide incentive for recruitment & retention of qualified M.D.'s.

PHYSICIANS EXCHANGE: (808) 524-2575

Thank you.
Sincerely,
D. Lindes MD

00092

FAX to: 586-6161:

Representative Angus McKelvey, Vice Chair
CPC Committee
Room 315, Hawaii State Capitol

Written Testimony:

Thomas Driskill, Jr.
HHSC President and Chief Executive Officer

Hearing:

House Consumer Protection & Commerce
February 6, 2008
2:00 pm

Measure:

HB 1991 HD1 Relating to Medical Liability

1992
Copies: 1

00033