

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE CONSUMER  
LAWYERS OF HAWAII (CLH) REGARDING H.C.R. NO. 349**

April 4, 2008

To: Chairman Michael Magaoay and Members of the House Committee on Legislative Management:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Consumer Lawyers of Hawaii (CLH) regarding H.C.R. 349.

CLH feels that an independent study at least to gather the factual information on the effects of medical tort reform limitations on the access to health care in states that have limitations and states that do not will benefit legislators who are the decision makers on the issue. There has been a lot of misinformation presented by the proponents of medical tort reform. For example, the Hawaii Medical Association consistently states that 86% of the claims filed against physicians are without merit. This is absolutely not true.

CLH suggests some amendments that would clarify what information is being sought and what information would be helpful. The suggested amendments are set forth below.

On page 2, lines 18 & 19:

(1) Trends over time of physician relocation into or away from rural and shortage areas in those states and in states without liability limitations;

On page 2, lines 21 & 22:

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

On page 2, lines 24-26:

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

On page 2, lines 38 & 39:

(3) Trends over time of specialist physicians entering or leaving the neighbor islands and the state and their reasons for entering or leaving [Hawaii]; and

On page 2, line 41:

(4) To the extent obtainable [available], the current compensation [salaries] and medical malpractice insurance costs for physicians in Hawaii, contrasted with physicians in other states; and

Thank you very much for the opportunity to testify on this measure.



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

*"Touching Lives Every Day"*

Written Testimony

**THE HOUSE OF REPRESENTATIVES  
COMMITTEE ON LEGISLATIVE MANAGEMENT  
Representative Michael Y. Magaoay, Chair  
Representative James Kunane Tokioka, Vice Chair**

April 4, 2008, 2:55 P.M.  
Conference Room 423  
Hawaii State Capitol

Testimony Supporting HCR 349  
Requesting The Legislative Reference Bureau To Study The Effects Of Medical  
Tort Reform On Access To Health Care

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

Thank you for the opportunity to offer testimony supporting the intent of HCR 349 Requesting the Legislative Reference Bureau to Study the Effects of Medical Tort Reform on Access to Health Care.

Expensive malpractice insurance is one of many increasing pressures upon physicians that weigh in their 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 recruit and maintain health care professionals, particularly in Hawaii's rural communities.

HHSC supports the intent of HCR 349 to study the positive benefits of medical tort reform that have been realized in other states that could be applied to improving access to quality healthcare for providers and patients in Hawaii. Thank you.

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