




**Shriners Hospitals**  
for Children™

Honolulu  
Pediatric Specialty Care  
Orthopaedics

February 12, 2008

**Ellen M. Raney, M.D.**  
Chief of Staff  
Pediatric Orthopaedic Surgeon

To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee

From: Ellen M. Raney, M.D.   
Shriners Hospitals for Children - Honolulu  
1310 Punahou Street  
Honolulu, HI 96826  
(808)951-3638

Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.

While there is no silver bullet for our healthcare problems, medical liability reform will help to keep Hawaii's physicians in practice and recruit new doctors.

Unless legislators act now, doctors will continue to cut back on their practices or leave the state and Hawaii's residents will not get the care they need when they need it most.

The only hand surgeon with an interest in children's hand deformities has left Hawaii. Children with complex hand problems will now need to travel to California for care. There is no longer a fellowship trained hand specialist taking emergency call in this state.

Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.

Thank you for the opportunity to provide this testimony.

1310 Punahou Street  
Honolulu, Hawaii 96826-1099  
Tel: 808.951.3638  
Fax: 808.942.8573



**Shriners Hospitals  
for Children™**

Honolulu  
Pediatric Specialty Care  
Orthopaedics

February 12, 2008

To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee

Craig M. Ono, M.D.  
Assistant Chief of Staff  
Pediatric Orthopaedic Surgeon

From: Craig Ono, M.D.  
Shriners Hospitals for Children - Honolulu  
1310 Punahou Street  
Honolulu, HI 96826  
(808)951-3638

Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.

While there is no silver bullet for our healthcare problems, medical liability reform will help to keep Hawaii's physicians in practice and recruit new doctors.

Unless legislators act now, doctors will continue to cut back on their practices or leave the state and Hawaii's residents will not get the care they need when they need it most.

The only hand surgeon with an interest in children's hand deformities has left Hawaii. Children with complex hand problems will now need to travel to California for care. There is no longer a fellowship trained hand specialist taking emergency call in this state.

Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.

Thank you for the opportunity to provide this testimony.

1310 Punahou Street  
Honolulu, Hawaii 96826-1099  
Tel: 808.941.4466  
Fax: 808.942.8573



**Shriners Hospitals  
for Children™**

Honolulu  
Pediatric Specialty Care  
Orthopaedics

February 12, 2008

**Jonathan B. Pellett, M.D.**  
Pediatric Orthopaedic Surgeon

To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee

From: Jonathan Pellett, M.D.  
Shriners Hospitals for Children - Honolulu  
1310 Punahou Street  
Honolulu, HI 96826  
(808)951-3638

A handwritten signature in black ink that reads "Jonathan B. Pellett, M.D." with a stylized flourish at the end.

Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.

While there is no silver bullet for our healthcare problems, medical liability reform will help to keep Hawaii's physicians in practice and recruit new doctors.

Unless legislators act now, doctors will continue to cut back on their practices or leave the state and Hawaii's residents will not get the care they need when they need it most.

The only hand surgeon with an interest in children's hand deformities has left Hawaii. Children with complex hand problems will now need to travel to California for care. There is no longer a fellowship trained hand specialist taking emergency call in this state.

1310 Punahou Street  
Honolulu, Hawaii 96826-1099  
Tel: 808.941.4466  
Fax: 808.942.8573

## Mail Message

N



Mail Properties

**From:** "lindamd1@juno.com"  
<lindamd1@juno.com>

Wednesday - February 13, 2008 3:22 PM

**To:** <testimony@capitol.hawaii.gov>

**CC:** <robertka@ah.org>

**Subject:** Support for SB 2412 & 2354

**Attachments:** Mime.822 (3713 bytes) [View] [Save As]

To: Senator Ige & Fukinaga

My name is Kevin Roberts and I am President and CEO of Castle Medical Center in Kailua, Hawaii. I am submitting testimony in support of the above bills.

Recent surveys of Americans have shown that HealthCare has surpassed Iraq as a key issue for the future of our country. This has to do with two basic issues: cost and access. You have the ability to assist our state and therefore the country in both of these areas by passing this legislation. First, cost, because the reduction in malpractice insurance rates will help physicians to keep their fees lower. Also, access, because this will assist new physicians in coming to Hawaii and help to keep the ones we've got!

Hawaii needs to erect (metaphorically) two neon signs for the best practitioners in the country to come here. The first sign is "Vacancy". Fortunately, we in the healthcare industry are helping this to shine brightly. The other sign is "Welcome". Unfortunately, this sign is not burning so brightly because the current environment related to professional liability is unfriendly and negatively perceived by the medical community. The experiences of states such as California and Texas also prove that these type policies do NOT negatively impact consumers.

You can help by supporting these bills! Mahalo!

Kevin A. Roberts  
President and CEO  
Castle Medical Center  
640 Ulukahiki Street  
Kailua, Hawaii 96734  
263-5142

*Email: robertka@ah.org*



**HEALTHY MOTHERS,  
HEALTHY BABIES**  
COALITION OF HAWAII

Date: February 11, 2008

Committee: Senate Health Committee

Bill: SB2412 Relating to Medical Liability & SB2354 Relating to Medical Liability

Honorable Chair David Ige, Senator Carol Fukunaga, Vice Chair, and Members of the Senate Health Committee:

My name is Jackie Berry, Executive Director for Healthy Mothers Healthy Babies of Hawaii (HMHB). HMHB is committed to promoting and improving reproductive, pregnancy and family wellness through research, training, advocacy and community awareness.

Healthy Mothers, Healthy Babies supports SB2412 and SB2344 in addressing medical liability for medical providers of perinatal care to women (OB-GYNs and others), in order to help address growing concerns by pregnant women and community providers that perinatal care may becoming more difficult to access, due in part to perinatal providers in Hawaii continuing to leave direct care and delivery services because of medical liability costs and concerns.

Hawaii's current perinatal outcomes statewide are of concern, as the number of low birthweight infants, multiple births, and the infant mortality rate has all risen since the mid-90s. In spite of the need, experienced perinatal providers, particularly in rural parts of the state, are opting to leave the field of obstetrics, as malpractice rates and risks are higher than in other "lower-risk" areas of practice.

ACOG-Hawaii's 2004 questionnaire on Obstetrical practice indicates a decline in OB-GYN physicians. Fewer medical students entering OB-GYN locally and nationally, means that Hawaii is having difficulty in attracting and retaining OB providers in the future, while our overall birth and at-risk births are increasing. For example, we received phones from a pregnant woman who was not able to see her physician for a month, and a 16 year old who was 8 months pregnant and experiencing problems who feels her physician is "too busy" to talk to her.

We believe these bills which provide for a \$250,000 non-economic damages cap and limits on attorneys fees strike the appropriate balance between the need for medical care accountability and restitution and providing limits on claims that may undermine access to essential care. Other states and Texas improved access since passing reforms.

We appreciate your consideration of this measure. Mahalo for this opportunity to testify today.

Address: 1500 S. Beretania Street, Ste 308, Honolulu, Hawaii 96826

• Phone (808) 951-5805 • Fax (808) 941-4102

Email: jackieb@hmhb-hawaii.org • Website: www.hmhb-hawaii.org

February 13, 2008

To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee

From: Elizabeth Chen Christenson, MD, LAc., ABHM, FAAMA, FCAP  
934 Maunawili Circle, Kailua, HI, 96734  
808-261-7801

Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

It will take many different kinds of incentives to make Hawaii competitive for a physician workforce with other jurisdiction. The physician shortage is national and is expected to last for the next several decades. Medical liability reform is part of the equation that will help Hawaii attract and retain doctors.

The Hawaii State Legislature needs to act now. Medical liability reform can be adopted with no cost to the State of Hawaii, an important point given that Hawaii is expected to experience an economic downturn.

Texas, in particular, has compelling data showing vast improvements in patient access to care since passing medical liability reform in 2003.

Given Hawaii's remote location, high cost of living and other disadvantages, medical liability reform would help Hawaii to compete with other jurisdictions.

Please review - our life as medical doctors in Hawaii:

I feel that my husband's professional life is affected by these issues in Hawaii:

1. Higher mal-practice insurance rate,
2. Low insurance reimbursement,
3. High cost of living in Hawaii.

Both my husband and I were drawn to Hawaii because we sensed an open-mindedness missing in the traditional Midwest mentality and the exquisite beauty of the land with the year round idyllic climate, so unlike the unruly weather of Ohio. In May 2004 we made a decision to radically change our professional and personal lifestyles and come to Hawaii where the intercultural exposure would be more receptive toward the cooperation of eastern and western medical modalities. We recognized there may not be that kind of professional growth in the Ohio area as we saw possible in Hawaii. I have a vision of Hawaii as the perfect healing environment to bridge the best of East and West Medicine. Since Hawaii State acupuncture license board does not recognize my acupuncture training in US I put my family practice and my income on hold for three years while I enrolled in acupuncture school in order to be eligible for the national acupuncture license exam. I got my acupuncture license early last year and started to incorporate my medical practice incorporating the best of east and west medicine. This business has started to pick up in the past couple months.

Meanwhile, my husband's anesthesiology job was put on hold since February 2006 due to physical exhaustion after 1.5 years of worked very long hours (sometimes over 24 hours straight) without any breaks or worked 36 hours with only 1 or 2 hours of sleep. Based on the calculation of his billable time he worked more than double time than regular full time job.

Now his health problem has been resolved throughout one and half year of rehabilitation and treatments and his doctors are supporting him returning to work. But for more than 7 months of applying hospital privileges in various hospitals in Oahu he was getting signals that hospitals credentialing committees are reluctant to take him back. I sense our medical community is operating under a FEARFUL condition. Here we have a healthy and capable bright doctor who is ready to return to work. He was asking for a reasonable working hour and hospitals are reluctant to take him back. Meanwhile he began to apply anesthesia job through locum tenens agency and he was told that there are positions available for him in March and other future months at hospitals in Massachusetts and various job opportunities in many other States. He will pack and leave for those positions. There is a crisis of shortage of physician in Hawaii and hospitals are reluctant to take him back. How can we make sense of this? I dare not recommend my physician friends / colleagues to move to Hawaii **unless** there is a way that we can show them that we can make a living here. My husband is also afraid of other doctors including his own primary care physician and colleagues burning out due to overwork. The downward spiral of overwork and no vacation is unsustainable and as doctor leaves this will put further pressure on the remaining doctor leading to further burn out. We both are very weary about our son who is a medical student at Tulane Medical School returning to Hawaii to practice because of these unhealthy working conditions.

Since my husband has 18 years history of unblemished professional record as an anesthesiologist in Toledo, Ohio, I believe what happened to him in Hawaii due to overworked which is a transient condition and can be remedied. There is no benefit to anyone by destroying a lifetime career because of a short series of issues that are now resolved.

It is a well known fact that sleep deprivation impinges upon a person's clarity of thoughts and critical decision-making as well as dexterity of body movements. There have been extensive studies and publications both in the civilian and military reports that "Sleep loss of less than 30 hours reduced physicians' overall performance by nearly 1 standard deviation and clinical performance by more than 1.5 standard deviation." (article available upon request). A recent article in the magazine entitled "Approach" – The Navy & Marine Corps Aviation Safety Magazine, September-October, 2007 an article on fatigue pointed out that sleep deprivation is worse than flying under the influence of alcohol because people know not to fly when they are drunk but don't know not to fly when they are fatigue. Now the military is setting up rules and guidelines of work load to prevent mishap due to fatigue. The article concluded with the following: "we don't need more training, more discipline, more regulation, more safeguards, or bigger instructions. Perhaps, we just need more sleep." (article available upon request). Medicine should also have such guideline to ensure patient and doctor's safety.

Page 3 of 3

We want to help Hawaii Medical Association to be a strong advocate for physician's wellbeing. If physicians are not well we cannot take care of anyone. Therefore "Physician Heal Thyself" comes first. This is a practice I learned from Chinese Medicine – a very old knowledge that benefits everyone.

I am one of few physician in the State of Hawaii possess duo Degrees and Licenses in both Eastern and Western Medicine and duo professorships and teaching positions at John A. Burns School of Medicine and acupuncture school. This enables me to accomplish the task of bridging the best of the East and West medicine, spirituality in medicine as well as music and medicine in the 21st century. Being an Associate Clinical Professor and my husband an Assistant Clinical Professor at the Department of Complementary & Alternative Medicine (CAM) of JAB School of Medicine we are able to work with CAM's dream – making Hawaii a world class healing center.

Thank you for the opportunity to provide this testimony.

Best Regards,



Elizabeth Chen Christenson, MD, LAc, ABHM, FAAMA, FCAP  
Medical Director  
CHI (Comprehensive Health Innovations) Medical Center, LLC  
Associate Clinical Professor  
Department of Complementary & Alternative Medicine  
John A. Burns School of Medicine at UH  
Associate Professor, Institute of Acupuncture and Oriental Medicine  
808-261-7801 [www.chimedicalcenter.com](http://www.chimedicalcenter.com)



## testimony

---

**From:** James Lin [jim\_lin\_007@yahoo.com]  
**Sent:** Sunday, February 10, 2008 7:43 PM  
**To:** testimony  
**Subject:** SB2412 and SB2354

February 10, 2008

**To:** Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee

**From:** James Lin, MD  
1319 Punahou, 2nd floor, Honolulu HI, 96826,  
Kapiolani Medical Center for Women and Children  
808-983-6000

**Re:** SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff. While I support compensation for injured parties for medical mistakes, it can't cripple the ability to provide basic medical care in favor of money to be made by litigation for frivolous lawsuits.

While there is no silver bullet for our healthcare problems, medical liability reform will help to keep Hawaii's physicians in practice and recruit new doctors.

Unless legislators act now, doctors will continue to cut back on their practices or leave the state and Hawaii's residents will not get the care they need when they need it most. I practiced for 2 years on Kauai and 1.5 years here in Honolulu and well know the deficits on neighbor islands and here on Oahu. While I love Hawaii the lack of primary and subspecialty medical coverage is highly disturbing mostly due to lack of salary compensation for the high cost of living here. Medical malpractice insurance premiums are a partial factor to low salaries and lack of medical coverage.

Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.

Thank you for the opportunity to provide this testimony.

James Lin MD

## testimony

---

**From:** Schwartz [schwartz.hjc.lj@earthlink.net]  
**Sent:** Sunday, February 10, 2008 8:22 PM  
**To:** testimony  
**Cc:** parcena@aol.com; karla.sasser@gmail.com  
**Subject:** Medical Liability

Please deliver to Room 016 for the Senate Health Committee hearing, Wednesday, 2/13/08, 1:15pm.

**To:** Sen. David Ige, Chair  
Sen Carol Fukunaga, Vice Chair  
Senate Health Committee

**From:** Henry J C Schwartz, M.D.  
1114 Punahou Street, Apt 11A  
Honolulu, HI 96826  
Telephone: 808-943-8736

**Re:** SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability

I am a Hawaii physician and I strongly support SB2412 and SB2354.

Both bills will help preventing malpractice insurance premiums from continuing to increase. These premiums are, in truth, paid by patients, both directly through increased health care provider fees, and indirectly in loss of access to physicians and availability of specialists.

There are already areas in this state where certain surgical specialists are hard to find, as well as obstetricians willing to deliver babies. In some mainland areas the malpractice insurance cost to deliver one baby approaches \$1,000. Please do not let things get out of hand here to that extent.

Malpractice should result in the payment of direct damages, i.e. medical and other expenses. Non-economic damages should be limited to a reasonable amount.

Thank you for the opportunity to provide this testimony.

Henry J C Schwartz, M.D.

**testimony**

---

**From:** susman.kona [susman.kona@aloha.net]  
**Sent:** Monday, February 11, 2008 5:24 AM  
**To:** testimony  
**Subject:** SB2412, SB2354, Relating to Medical Liability

*February 13, 2008*

*To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee*

*From: Scott Susman  
74-949 Lania Place  
Kailua-Kona, HI 96740*

*Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability*

*I am a Hawaii resident and I strongly support SB2412 and SB2354.*

*Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.*

*Hawaii is unable to recruit and retain an adequate supply of physicians due to the lack of liability reform and other issues such as inadequate reimbursements.*

*As a result, physicians are leaving Hawaii and its residents are unable to obtain the medical care they need.*

*Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.*

*Thank you for the opportunity to provide this testimony.*

---

## testimony

---

**From:** Louis Copman [louiscopman@earthlink.net]  
**Sent:** Sunday, February 10, 2008 11:19 PM  
**To:** testimony  
**Subject:** Testimony on SB2412 and SB2354

Please deliver to room 016 for the Senate Health Committee hearing, Wednesday, 2/13/08, 1:15pm.

*February 13, 2008*

*To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee*

*From: Louis Copman, MD  
68-1771 Makenahele Pl.  
Waikoloa, HI 96738  
(808) 883-0059*

*Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability*

*I am a Hawaii physician and I strongly support SB2412 and SB2354.*

*Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.*

*While there is no silver bullet for our healthcare problems, medical liability reform will help to keep Hawaii's physicians in practice and recruit new doctors.*

*Unless legislators act now, doctors will continue to cut back on their practices or leave the state and Hawaii's residents will not get the care they need when they need it most. The critical shortage of specialists and primary care physicians is at a real crisis point in West Hawaii and North Hawaii on the Big Island, where I reside.*

*Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.*

*Thank you for the opportunity to provide this testimony.*

*Sincerely,  
Louis Copman, MD*

2/11/2008

## testimony

---

**From:** Ena Estes [enaestes@hotmail.com]  
**Sent:** Saturday, February 09, 2008 11:53 AM  
**To:** testimony  
**Subject:** Support SB2412 and SB2354

*February 09, 2008*

*To: Sen. David Ige, Chair  
Sen. Carol Fukunaga, Vice Chair  
Senate Health Committee*

*From: Ena Gilbert Estes  
73-4690 Kahualani Road  
Kailua Kona, HI 96740-9144  
808.325.5400  
enaestes@hotmail.com*

*Re: SB2412 Relating to Medical Liability  
SB2354 Relating to Medical Liability*

*I am a Hawaii resident and I strongly support SB2412 and SB2354.*

*Both bills will help to stabilize medical malpractice insurance premiums. For a cap on non-economic damages, I support a \$250,000 cap, which has been proven by other states to be effective in stabilizing premiums. I also support limits on attorney fees, which will give more money to the injured plaintiff.*

*Hawaii, the state, and especially Hawaii Island are unable to recruit and retain an adequate supply of physicians due to the lack of liability reform and other issues such as inadequate reimbursements.*

*As a result, physicians are leaving Hawaii and its residents are unable to obtain the medical care they need.*

*Medical liability reform is an important part of the solution. Texas and other states have had great success in improving access to care since passing reforms.*

*Thank you for the opportunity to provide this testimony.*

Ena Gilbert Estes