
A BILL FOR AN ACT

RELATING TO MEDICAL INJURIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Health courts are administrative systems that
2 specialize in adjudicating medical injury claims. The
3 legislature finds that the implementation of a health court
4 system may improve patient safety, provide timely and fair
5 compensation to injured patients, limit frivolous claims, cost
6 less, and produce more consistent rulings. The purpose of this
7 Act is to create a working group to study the concept of health
8 courts as a preferable alternative to the existing litigation
9 oriented system.

10 SECTION 2. (a) There is established a working group on
11 the establishment of a health court, to be placed under the
12 department of health for administrative purposes.

13 (b) The purpose of the working group on the establishment
14 of a health court shall be to study the concept of health courts
15 to handle medical injury claims. The working group shall review
16 the health court systems in other states, if any, as well as
17 relevant articles, and determine the appropriate structure and
18 features of a state health court system. The topics to be



1 considered by the working group shall include but is not limited
2 to consideration of the health court's jurisdiction, the desired
3 qualifications of health court justices, the manner of selecting
4 health court justices, the manner of conducting hearings, and
5 the types of damages that may be awarded.

6 (c) The working group on the establishment of a health
7 court shall be comprised of the following members:

- 8 (1) A representative of the senate, who shall be appointed
9 by the governor from a list of three nominees
10 submitted by the president of the senate;
- 11 (2) A representative of the house of representatives, who
12 shall be appointed by the governor from a list of
13 three nominees submitted by the speaker of the house
14 of representatives;
- 15 (3) The director of health, or the director's designee;
- 16 (4) The chief justice of the judiciary, or the chief
17 justice's designee;
- 18 (5) The executive director of the Hawaii Medical
19 Association, or the director's designee;
- 20 (6) The president of the Hawaii State Bar Association, or
21 the president's designee;



1 (7) The dean of the school of law at the University of
2 Hawaii, or the dean's designee; and

3 (8) The executive director of the Hawaii Insurers Council,
4 or the executive director's designee.

5 (d) The department of health shall have the responsibility
6 to convene the meetings of the working group on the
7 establishment of a health court. The department of health shall
8 provide all administrative, technical, professional, and
9 clerical support required by the working group and make the
10 report under subsection (g).

11 (e) The attorney general shall provide legal advice and
12 representation to the working group.

13 (f) Members of the working group on the establishment of a
14 health court shall receive no compensation for their services,
15 but may be reimbursed for travel costs necessary for the
16 performance of their duties under this Act.

17 (g) The working group on the establishment of a health
18 court shall report its findings and recommendations, including
19 the suggested legislation, to the legislature no later than
20 twenty days prior to the convening of the regular session of
21 2010.



1 (h) The working group on the establishment of a health
2 court shall cease to exist on May 15, 2010.

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Marilyn B. Lee
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[Signature]
J. Neil Karamitros

JAN 23 2009

Report Title:

Medical Injuries; Health Court

Description:

Establishes a working group to review the concept of health courts to handle medical injury claims and report its findings to the legislature.

