
A BILL FOR AN ACT

RELATING TO MEDICAL TORTS.

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

1 SECTION 1. The purpose of this Act, to be known as "The
2 Hawaii Non-Economic Cap Act of 2009", is to address medical
3 malpractice insurance and defensive medical costs by placing a
4 \$1,000,000 ceiling on non-economic damages for doctors who
5 specialize in the practice of neurology or neurosurgery.

6 This Act is one of eight proposals introduced during the
7 regular session of 2009 designed to address the increasingly
8 problematic medical environment in Hawaii. Collectively, these
9 eight measures shall be known as "the Hawaii doctor recruitment
10 and retention action plan of 2009".

11 SECTION 2. Chapter 671, Hawaii Revised Statutes, is
12 amended by adding a new section to part I to be appropriately
13 designated and to read as follows:

14 "§671- Noneconomic damages; ceiling. Damages
15 recoverable for noneconomic damages, as defined in section 663-
16 8.5, against a licensee under chapter 453 who is board-certified
17 in neurology or neurosurgery shall be limited to a maximum award
18 of \$1,000,000."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *J. Michael L. ...*

JAN 27 2009



Report Title:

Medical Torts; Damages

Description:

Places a ceiling on non-economic damages in medical torts involving neurologists and neurosurgeons.

