
A BILL FOR AN ACT

RELATING TO MEDICAL MALPRACTICE CLAIMS.

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

1 SECTION 1. Recent discussions about the medical crisis in
2 Hawaii focus not only on the shortage of doctors, but also the
3 reasons for the shortage including high medical malpractice
4 insurance rates, low reimbursement rates, and a high cost of
5 living. Recognizing that prudent action needs to be taken, it
6 is important to bring all the stakeholders together for a
7 complete discussion to develop a truly comprehensive approach
8 with respect to reforming the issue of high medical malpractice
9 insurance rates.

10 Several other states have made great strides in addressing
11 their state's medical crisis through a variety of innovative
12 programs including patient compensation funds, caps on
13 noneconomic damages, health courts, and advancing health
14 information technology.

15 The purpose of this Act, to be known as the Hawaii doctor
16 recruitment and retention action task force act of 2009, is to
17 establish a medical malpractice task force in the department of
18 commerce and consumer affairs to develop a strategic plan to



1 address the high cost of medical malpractice insurance in the
2 State.

3 This Act is one of eight legislative measures introduced in
4 the twenty-fifth Hawaii state legislature designed to address
5 the increasingly problematic medical environment in Hawaii.
6 Collectively, these eight measures shall be known as The Hawaii
7 Doctor Recruitment and Retention Action Plan of 2009.

8 SECTION 2. (a) There is established in the department of
9 commerce and consumer affairs for administrative purposes a
10 medical malpractice task force. The task force shall discuss,
11 study, hold public hearings, and develop a strategic plan to
12 address the high costs of medical malpractice insurance rates in
13 the State. The task force shall study issues to provide
14 incentives for doctors to practice in Hawaii including but not
15 limited to patient compensation funds, increasing reimbursement
16 rates for doctors, caps on non-economic damages, health courts,
17 and advancing health information technology. The task force
18 shall also develop recommendations on damage award ranges and
19 guidelines for malpractice claims based on recent medical
20 malpractice cases. The ranges and guidelines may be used in
21 medical malpractice cases to determine damages.



1 (b) The task force shall be comprised of the following
2 members:

3 (1) Two members, who shall be appointed by the governor;

4 (2) Two members, who shall be appointed by the speaker of
5 the house of representatives;

6 (3) Two members, who shall be appointed by the president
7 of the senate;

8 (4) The President of the Hawaii State Bar Association, or
9 the President's designee;

10 (5) The Executive Director of the Hawaii Medical
11 Association, or the director's designee; and

12 (6) A representative of the medical malpractice insurance
13 industry, who shall be appointed by the governor from
14 a list of three nominees submitted jointly by the
15 speaker of the house of representatives and the
16 president of the senate.

17 (c) The members of the task force shall:

18 (1) Select the chairperson of the task force;

19 (2) Serve without compensation;

20 (3) Be reimbursed for reasonable expenses, including
21 travel expenses necessary for the performance of their
22 duties under this Act; and



1 (4) Hold public hearings on issues relating to medical
 2 malpractice insurance rates, including damage awards
 3 ranges and guidelines for different types of medical
 4 malpractice claims, based upon recent cases.

5 (d) The department of commerce and consumer affairs shall
 6 provide all administrative, technical, professional, and
 7 clerical support required by the task force.

8 (e) The task force shall submit a report of its findings
 9 and recommendations, including any proposed legislation, to the
 10 legislature no later than twenty days prior to the convening of
 11 the regular session of 2010.

12 (f) The task force shall cease to exist on June 30, 2010.

13 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY:

By name
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Report Title:

Task Force; Medical Malpractice

Description:

Establishes a medical malpractice damages task force to develop a strategic plan to address the high costs of medical malpractice insurance rates and make recommendations on damage award ranges and guidelines for medical malpractice claims.

