

STAND. COM. REP. NO.

447

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 1514  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1514  
entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL TORTS,"

begs leave to report as follows:

The purpose of this bill is to ensure the availability of  
vital neurological specialty care in the state and work toward  
more reasonable medical malpractice insurance premiums by setting  
a cap of \$1,000,000 on awards for noneconomic damages in a medical  
tort claim against a neurologist or neurosurgeon.

The Hawaii Medical Association, Hawaii Association of Health  
Plans, and a concerned individual supported this bill. The  
Department of Commerce and Consumer Affairs (DCCA) supported the  
intent of this measure. The Hawaii Association for Justice  
opposed this bill. A concerned individual submitted comments.

Your Committee has amended this bill by, among other things:

- (1) Requiring a 25 percent rollback on medical malpractice  
insurance premiums for neurologists and neurosurgeons;
- (2) Requiring DCCA to submit a report to the Legislature  
prior to the 2013 Regular Session on the effects of the  
noneconomic damages cap and the insurance rollback for  
neurologists and neurosurgeons;

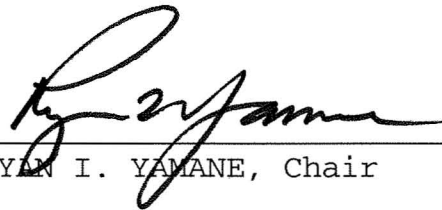
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- (3) Repealing the noneconomic damages cap and the insurance rollback for neurologists and neurosurgeons on July 1, 2014;
- (4) Requiring a health care provider to disclose to patients adverse events relating to their medical treatment;
- (5) Requiring the Hawaii Medical Board to collect and publish information about physicians licensed in the state to allow consumers to make informed decisions in selecting physicians;
- (6) Establishing a Medical Malpractice Damages Task Force to provide support in implementing the provisions of this bill and study the effects enactment of this bill has on the medical profession, specifically in the area of medical tort liability; and
- (7) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1514, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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RYAN I. YAMANE, Chair



