

STAND. COM. REP. NO. 926

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1636  
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 Judiciary, to which was referred H.B. No. 1636 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL PHYSICIANS,"

begs leave to report as follows:

The purpose of this bill is to protect physicians who provide emergency medical care against unfounded lawsuits, while also protecting patients from true negligence by extending the grant of immunity from civil action to:

- (1) A licensed physician who cares for a person not yet discharged from the hospital; and
- (2) A licensed physician who provides emergency obstetrical medical care under the same conditions, where the patient has not received prenatal care or has never been a patient of the physician.

The Department of Commerce and Consumer Affairs, Queen's Medical Center, and Hawaii Medical Association supported this bill. The Hawaii Association for Justice and a concerned individual opposed this measure.



Your Committee has amended this bill by:

- (1) Inserting its contents in a proposed new section of Chapter 671, Hawaii Revised Statutes, which relates specifically to medical tort cases;
- (2) Removing the purpose section;
- (3) Specifying that the immunity granted applies only for the physicians' acts or omissions during the period of emergency medical care;
- (4) Including a definition for "serious bodily injury";
- (5) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1636, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1636, H.D. 1.

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

  
JON RIKI KARAMATSU, Chair



