

Honolulu, Hawaii

APR 04 2012

RE: H.B. No. 1967
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1967, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION,"

begs leave to report as follows:

The purpose and intent of this measure is to make the medical claim conciliation process less adversarial by emphasizing inquiry, conciliation, and settlement and renaming the medical claim conciliation panels as medical inquiry and conciliation panels.

Your Committee received testimony in support of this measure from the Hawaii Medical Association. Your Committee received comments on this measure from the Office of Administrative Hearings of the Department of Commerce and Consumer Affairs.

Your Committee finds that the shortage of physicians in Hawaii is caused in part by the high malpractice insurance costs and an unfriendly liability system.

Your Committee further finds that this measure will reduce the current adversarial nature of the medical claims conciliation process and emphasize its originally intended conciliation role, facilitate communication between parties, and encourage amicable resolution of disputes between doctors and patients. This measure also represents an effort to reduce Hawaii's medical liability costs and provide greater access to care for Hawaii's residents.



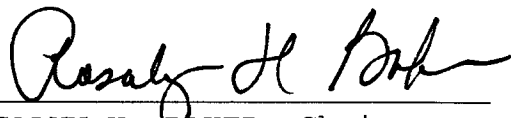
Your Committee additionally finds that the Office of Administrative Hearings needs sufficient time to obtain and train panel members who are interested in the conciliation process and concludes that a delayed effective date of this measure is necessary. The Office of Administrative Hearings has indicated it will use this time to work with interested parties to administer and fund a training program in conciliation.

Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2013; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1967, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1967, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB1467 HD2 SD1	Committee Referral: HTH, CPN	Date: 3-30-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama				✓
SLOM, Sam	✓			
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes