

STAND. COM. REP. NO.

499

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 1190
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1190 entitled:

"A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require a reviewer of records of medical treatment for personal injury covered by a motor vehicle insurance policy to be of the same medical specialty as the treatment provider and to make documentation of the record review available to the injured person upon request.

Your Committee received testimony in support of this measure from the Hawaii Chapter American Physical Therapy Association and Hawaii Association for Justice. Your Committee received testimony in opposition to this measure from GEICO. Your Committee received comments on this measure from the Insurance Commissioner of the Department of Commerce and Consumer Affairs.

Your Committee finds that motor vehicle insurers sometimes substitute record reviews for independent medical examinations in verifying the appropriateness of medical care provided for injuries covered by a motor vehicle insurance policy. Your Committee finds that an accurate review and assessment depends on sufficient knowledge of the reviewer, particularly knowledge of treatment protocols for services provided by a medical specialist. Your Committee acknowledges that there is a shortage of medical



specialists in this State, particularly on the neighbor islands. Therefore, your Committee finds that record reviews of medical treatment provided under a policy of motor vehicle insurance shall be provided by a medical provider who, while not necessarily a member of the same specialty as the provider of treatment at issue, possesses sufficient clinical and practical expertise to accurately evaluate the treatment provided.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the record reviewer shall be of the same specialty as the treatment provider;
- (2) Specifying that the record reviewer shall possess sufficient professional training, credentials, and experience in treating the type of injury at issue to competently evaluate the specific treatment that is the subject of the record review; and
- (3) 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 S.B. No. 1190, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1190, S.D. 1, and be placed on the calendar for Third Reading.

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.:* SB 1190	Committee Referral: CPN	Date: 2/24/2011		
<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	5	0	0	2
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