

STAND. COM. REP. NO.

10

Honolulu, Hawaii

February 1, 2019

RE: H.B. No. 669
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 669
entitled:

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

begs leave to report as follows:

The purpose of this measure is to encourage participation in
Hawaii-based residency programs by postgraduate medical residents
and graduate medical education fellows by limiting their liability
for the medical care they provide under the supervision of a
licensed physician.

The Hawaii Health Systems Corporation, Hawaii Medical
Association, Hilo Medical Center Foundation, Hawaii State Rural
Health Association, and a few individuals submitted testimony in
support of this measure. The Hawaii Association for Justice
submitted testimony in opposition of this measure. The Department
of the Attorney General and the University of Hawai'i System
submitted comments on this measure.

Your Committee notes the Hawaii Association for Justice's
testimony that medical malpractice policy should focus on
protecting patients, compensating injured patients appropriately,
studying the medical system to determine the causes of medical
errors, and deterring negligent acts rather than limiting the
liability of providers of medical care.

HB669 HD1 HSCR HLT HMS 2019-1530

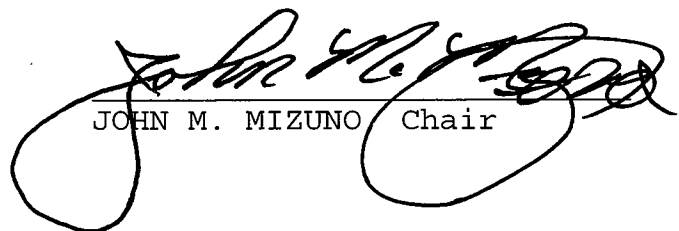


Your Committee has amended this measure by:

- (1) Clarifying that the limited liability applies to actions taken under the supervision of a licensed physician;
- (2) Clarifying that the limited immunity from civil damages does not include acts of gross negligence or wanton acts or omissions;
- (3) Clarifying the circumstances in which residents and fellows are considered to be under the supervision of a licensed physician;
- (4) Changing its effective date to July 1, 2050 to encourage further discussion on the measure; and
- (5) Making technical, nonsubstantive amendments 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. 669, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 669, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

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


JOHN M. MIZUNO Chair



