



**Wednesday, February 7, 2024 at 9:45 am**  
**Conference Room 329**

**House Committee on Health and Homelessness**

To: Chair Della Au Belatti  
Vice Chair Jenna Takenouchi

From: Paige Heckathorn Choy  
Associate Vice President, Government Affairs  
Healthcare Association of Hawaii

Re: **Submitting Comments**  
**HB 2775, Relating to Health Care**

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 30,000 people statewide.

Thank you for the opportunity to submit **comments** on this measure, which seeks to set up a framework by which providers, facilities, and patients can have an open discussion around an adverse medical event. The purpose of these discussions is to improve trust, engage in a comprehensive discussion about the event, gain a better understanding of what happened, and resolve issues in a more meaningful manner. Nothing in the framework would preclude a patient from seeking other legal redress.

Our members have supported legislation in the past related to the ability of providers to apologize for medical errors without that apology being used in subsequent legal proceedings. The purpose of policies around the use of apology language was, similarly, to help increase the trust between providers and patients, and provide some sense of resolution. We would note that there are existing frameworks in place at some hospitals in the state that reflect the intention of what this measure seeks to establish.

We appreciate this committee's willingness to hear this measure, and for the continued interest in ensuring that patients and providers are able to work together in an atmosphere of respect and dignity.

**HB-2775**

Submitted on: 2/5/2024 3:29:21 PM

Testimony for HLT on 2/7/2024 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnvan Dias	Individual	Support	Written Testimony Only

Comments:

HB 2775 compliments Hawaii's MICP process and establishes a voluntary framework for health care providers and health care facilities to offer compassionate, honest, timely, and thorough responses to patients who experience an adverse health care incident. Four states, including Colorado, Iowa, Minnesota, and Utah, have already passed similar legislation. By participating in a candor process, patients who have a health care adverse incident and their families are able to engage in open discussions with the health care providers and health care facilities involved in the incident. This process is intended to help patients and their families understand why the incident occurred and what is being done to prevent similar issues in the future. The candor process allows patients to help identify and implement procedures designed to improve patient safety and is designed to expedite the process of addressing an adverse outcome and offering patients compensation when warranted.

I Aniyah Hazen am in support of this bill. When someone makes a mistake within healthcare, it needs to be documented and reported properly. Communicating what happened to the patient and their families is very critical. This helps the family understand that what happened to them will not be repeated. Building a trusting relationship between the hospital and families can encourage others to seek treatment at that facility. The ethical considerations presented, allowing the patient their own choice to withdraw from the candor process, allow them to have various outlets to communicate what happened. An “adverse healthcare incident” can cause life altering or potentially fatal injuries to the patient. Taking responsibility and making sure that no one else is hurt in the same way will allow healthcare facilities to be more ethical. With this process, the chances of a lawsuit are less likely, which can be expensive for multiple parties involved. Sometimes, having a different perspective can be beneficial. In this case, the patient would provide ideas that may have been overlooked to help the facility prevent future incidents.