

A Bill for an Act Relating to Arbitration.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Legislature has found that in cases involving medical torts the court annexed arbitration process has added a third step to the resolution process. In medical tort cases the parties first must go through the medical claim conciliation panel and then submit to arbitration and finally take their case to court. By going through three stages the expense of resolving the disputes has mounted, and the cases are delayed. The purpose of this bill is to permit parties to a medical tort suit which would probably require mandatory arbitration to elect to bypass the arbitration program after submitting the claim to the medical claim conciliation panel.

SECTION 2. Chapter 671, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§671- Arbitration; subsequent litigation. Any person or the person’s representative claiming that a medical tort has been committed or any health care provider against whom a claim has been made may elect to bypass the court annexed arbitration program under section 601-20 after the claim has been submitted to the medical claim conciliation panel and the panel has rendered a decision or has not reached a decision within the tolling period of the statute of limitations under section 671-18.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 9, 1989.)

Note

1. Edited pursuant to HRS §23G-16.5.