



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection

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by

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SB 3279, SD2, HD1 – RELATING TO MEDICAL LIABILITY

Chair Herkes, Vice Chair Schatz, and Members of the Committee:

I am Rosanne Harrigan, Director of the Department of Complementary and Alternative Medicine at the John A. Burns School of Medicine at the University of Hawai'i. On behalf of Interim Dean T. Samuel Shomaker, I am testifying in support of SB 3279, HD 1, which would reform the healthcare liability system.

Like many states, Hawaii is feeling the effects of a national trend towards more malpractice lawsuits and larger jury awards, especially for non-economic damages. The cumulative impact of these trends negatively affects physicians and the patients in their care. The increasing cost of malpractice insurance is stretching the budgets of hospitals and health care providers alike.

A number of Hawaii physicians are retiring early, or limiting their practices, to reduce their legal liability exposure, no matter their personal claims history. The increasing cost of malpractice insurance and the escalating risk of being sued are major factors in the current physician shortage – especially on the Neighbor Islands. Many of our medical students are hesitate to go into so-called “high-risk” specialties, such as obstetrics and gynecology, for fear of being sued.

We believe that the solutions proposed in SB 3279, HD 1 will slow the growth of malpractice awards and help to contain the increase in malpractice insurance premiums. These proposed legislative solutions do not compromise the ability of patients who are legitimately injured to recover for their injuries. However, they do put a lid on factors leading to the rapid escalation of malpractice costs, and discouraging some of our best and brightest from pursuing careers in important medical specialties like obstetrics, gynecology, and trauma surgery.

Passage of this measure would send a powerful message that our lawmakers are aware of the serious issues facing the health care community and are willing to act in support of thousands of health care professionals in Hawai'i. Thank you for the opportunity to testify on this important issue.