

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

LATE

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**House Committee on Health**

**H.B. 0439, RELATING TO MEDICAL INJURIES**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**February 10, 2009; 8:30 a.m.**

1 **Department's Position:** The Department of Health (DOH) appreciates the intent of this bill, but must  
2 respectfully oppose it as it is currently drafted.

3 **Fiscal Implications:** Significant but unquantified additional work hours will be required which cannot  
4 be absorbed at the current staffing levels.

5 **Purpose and Justification:** The Department of Health introduced H.B. 1120, Relating to Medical  
6 Liability, as an Administration-sponsored measure to address the urgent need to provide comprehensive  
7 medical tort reform. On behalf of the citizens of the State of Hawaii who are affected by this medical  
8 crisis and are awaiting our collective action, the department cannot support the establishment of a  
9 working group that will serve to distract from the primary need to pass meaningful legislation this  
10 session.

11 The DOH is further opposed to this bill as it will require the DOH to establish a working group  
12 to study the concept of health courts, including the responsibilities to provide all administrative,  
13 technical, professional, and clerical support to the working group. This specialized area will include  
14 considerable technical medical insurance, judicial, and constitutional research which is beyond the scope  
15 of expertise within the DOH. Additionally, the considerable provision of professional and support

1 services that would need to be dedicated to fulfill the requirements stipulated in this bill will require  
2 significant additional work hours that cannot be absorbed at current staffing levels. Funding does not  
3 exist to cover the additional costs.

4 Thank you for the opportunity to testify.