



## Arbitration Fact Sheet – Hawaii Market

Arbitration is used to resolve disputes involving real estate, personal property leases, attorney fees, uninsured motorists, franchise agreements, construction contracts, labor contracts, banking, and by health care organizations.

Arbitration is a widely used alternative to the court system. Arbitration does not limit a member's ability to sue Kaiser Permanente (Kaiser Foundation Health Plan, Inc.), Kaiser Foundation Hospitals, Hawaii Permanente Medical Group, Inc. (HPMG), and its providers, employees etc. Arbitration is simply a different forum for resolution of the dispute that both parties desire and agree to handle out of court.

Kaiser Permanente has used arbitration to resolve legal claims since 1971. Arbitrators are experienced retired judges and attorneys.

In Hawaii, medical malpractice claims must first go through an inquiry process under the state administered Medical Inquiry Conciliation Panel (MICP) before initiating arbitration. The MICP program is informal and the MICP panel provides advice in an advisory nature that is not binding on both parties. Once the MICP terminates the proceeding, members are able to sue Kaiser.

Most Kaiser Permanente medical malpractice arbitration cases are handled by Dispute Prevention and Resolution, Inc. (DPR) to provide alternative dispute resolution services. Keith Hunter, Founder, President and CEO of DPR has been in the dispute resolution field since 1981. DPR has been providing dispute resolution services to Hawaii's legal, business, construction, insurance, medical, and judicial communities since 1995. DPR offers distinguished panel of third-party, neutral arbitrators who are not part of Kaiser.

Within the last 20 years, under DPR, most Kaiser Permanente medical malpractice claims resolved within 18 months, less than half of the time for a typical matter to conclude in court.

A pool of nearly 100 independent arbitrators is available through DPR. Approximately one-third of the arbitrators are retired judges.

Resource information:

DPR: <https://dprhawaii.com/clauses/>

MICP: [https://files.hawaii.gov/dcca/oah/forms/micp\\_/MICP\\_Guide\\_2013.pdf](https://files.hawaii.gov/dcca/oah/forms/micp_/MICP_Guide_2013.pdf)

