

Honolulu, Hawaii
Feb 10, 2006

RE: H.B. No. 1867
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1867 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this bill is to protect the health and well-being of injured workers by establishing that, when a dispute exists between an injured employee and the injured employee's employer or employer's insurer regarding whether medical services should be continued, the injured employee shall continue to receive medical services until the Director of Labor and Industrial Relations (Director) issues a decision on whether the injured employee's medical treatment should be continued.

The Hawaii State AFL-CIO, ILWU Local 142, Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, Hawaii State Teachers Association, Hawaii Injured Workers Alliance, Law Office of David James Mikonczyk, the Hawaii Chapter of the American Physical Therapy Association, and numerous concerned individuals supported this measure. The Hawaii State Chiropractic Association supported the intent of this bill. The Department of Human Resources Development, Hawaii Insurers Council, Society for Human Resource Management-Hawaii Chapter, and the Hawaii Independent Insurance Agents Association opposed this bill. The Department of Labor and Industrial Relations, Benefit Plan Consultants (HI), Inc., and Hawaii Employers' Mutual Insurance Company, Inc., submitted comments.

HB1867 HD1 HSCR LAB HMS 2006-1719



Your Committee finds that injured employees are sometimes left without medical care in workers' compensation cases while waiting for a decision to be rendered on their medical services benefits. The interruption in medical treatment may cause undue delays in the injured employees' recovery from work injuries. In some cases, the delay in treatment may even exacerbate and permanently aggravate the work-related injuries.

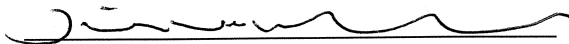
However, your Committee also recognizes that concerns have been raised regarding who is liable for the costs of medical services provided to injured employees in cases where the Director's decision is rendered against the employee.

In light of these concerns, your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1867, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1867, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,


KIRK CALDWELL, Chair



