

Honolulu, Hawaii

May 1, 2007

RE: H.B. No. 855  
H.D. 1  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 855, H.D. 1, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to provide injured employees with necessary medical services in the event workers' compensation coverage is disputed, by requiring these services to be continued until the Director of Labor and Industrial Relations (Director) issues a decision on the matter.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that an injured employee shall continue to receive essential medical services prescribed by the treating physician necessary to prevent deterioration of the injured employee's condition or further injury until



the Director determines that medical services pursuant to the treatment plan shall be discontinued;


- (2) Clarifying that the Director shall make a decision within 30 days of the filing of a dispute and notify the employer, the employee, and the provider of the decision;
- (3) Clarifying that an employer or employer's insurer may recover from the injured employee's personal health care provider or other appropriate occupation or non-occupational insurer all the sums paid for medical services rendered after the employer, the employee, and the provider receives notification of the Director's decision;
- (4) Inserting language that requires the Director to submit any proposed adoption, amendment, or repeal of administrative rules under Hawaii's workers compensation law to both houses of the Legislature prior to their submission to the Governor for approval;
- (5) Inserting language that the submitted rules are disapproved unless the Legislature approves the submitted rules, in their entirety, through adoption of a concurrent resolution within 365 days of their submission to the Legislature; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 855, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 855, H.D. 1, S.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE



---

CLAYTON HEE, Chair

ON THE PART OF THE HOUSE



---

ALEX M. SONSON, Co-Chair



---

BOB NAKASONE, Co-Chair



Hawaii State Legislature  
**Record of Votes of a  
 Conference Committee**

Bill / Concurrent Resolution No.: HB 855, HD 1, SD 1  
 Date/Time: *April 27, 2007 / 2:00pm*

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				SONSON, Alex M., Co-Chr.	✓			
KOKUBUN, Russell S.				✓	NAKASONE, Bob, Co-Chr.	✓			
NISHIHARA, Clarence K.	✓				PINE, Kymberly Marcos	<del>WR</del> ✓			
GABBARD, Mike	✓								
<b>TOTAL</b>	<b>3</b>			<b>1</b>	<b>TOTAL</b>	<b>2</b>	<b>1</b>		

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is:  
 Adopted       Not Adopted

House Recommendation is:  
 Adopted       Not Adopted

Senate Lead Chair's or Designee's Signature:  
*[Signature]*

House Lead Chair's or Designee's Signature:  
*[Signature]*

Distribution:      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency