

STAND. COM. REP. NO.

626

Honolulu, Hawaii

Feb 16, 2007

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

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

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 855 entitled:

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

begs leave to report as follows:

The purpose of this bill is to ensure that injured employees receive uninterrupted medical care, even if the employer denies further treatment, until the Director of Labor and Industrial Relations (Director) renders a final decision on the matter.

The Hawaii Chapter-American Physical Therapy Association, Hawaii State AFL-CIO, Hawaii Government Employees Association, Hawaii State Chiropractic Association, ILWU Local 142, and numerous individuals testified in support of this bill.

The Department of Labor and Industrial Relations, Department of Human Resources Development, Hawaii Insurers Council, Hawaii Employers' Mutual Insurance Company, Hawaii Independent Insurance Agents Association, National Federation of Independent Businesses, Property Casualty Insurers Association of America, The Chamber of Commerce of Hawaii, Retail Merchants of Hawaii, Association of Building Contractors, and Society for Human Resource Management-Hawaii Chapter opposed this measure.

HB855 HD1 HSCR LAB HMS 2007-2340



Your Committee has amended this bill by:

- (1) Clarifying that the medical services intended to be continued until the Director's final decision shall be of an essential nature necessary to prevent deterioration or further injury;
- (2) Requiring the Director to render a decision on the continuation of the treatment within 30 days;
- (3) Allowing the injured employee to be charged for disallowed services only under fraud situations;
- (4) Allowing the parties to request the Director to review the denial of the treatment plan or the continuation of medical services; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 855, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 855, H.D. 1, and be referred to the Committee on Finance.

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



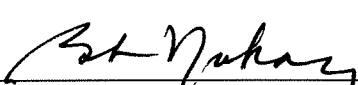
ALEX M. SONSON, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 626

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 855		Date: 2-13-07		
Committee Referral: LAB, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	✓			
2. NAKASONE, Bob (VC)	✓			
3. EVANS, Cindy	✓			
4. HAR, Sharon E.	✓			✓
5. LEE, Marilyn B.	✓			
6. LUKE, Sylvia	✓			
7. McKELVEY, Angus L.K.	✓			
8. NISHIMOTO, Scott Y.	✓			
9. SOUKI, Joseph M.	✓			
10. TAKAMINE, Dwight Y.	✓			
11. TAKUMI, Roy M.	✓			
12. MEYER, Colleen Rose		✓		
13. PINE, Kymberly Marcos		✓		
TOTAL	10	2	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				