

Honolulu, Hawaii

March 23, 2007

RE: S.B. No. 1060
S.D. 1
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 Consumer Protection & Commerce, to which was referred S.B. No. 1060, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to assist injured workers and enhance the workers' compensation law by, among other things:

- (1) Providing an alternative dispute resolution process for workers' compensation claims;
- (2) Establishing optional, evidence-based treatment guidelines for medical providers treating injured workers;
- (3) Requiring essential medical services to be continued for an injured employee during a dispute between the employee and the employer or the employer's insurer regarding treatment, until the Director of Labor (Director) issues a decision on whether medical treatment should be continued;



- (4) Allowing an employer or employer's insurer to recover medical costs from a claimant's personal health care provider or other appropriate occupational or non-occupational insurer for medical treatment the Director determines should have been discontinued;
- (5) Allowing injured employees to be referred for vocational rehabilitation services where the employee has achieved maximum medical improvement and the employer has made no offer of suitable work;
- (6) Allowing employers to request the Director to issue a credit for the amount of temporary total disability benefits that the Director determines should have been discontinued;
- (7) Establishing requirements and standards for physicians selected by mutual agreement between the claimant and the employer to perform independent medical examinations; and
- (8) Requiring employers' insurers to provide annual reports regarding the costs of their policies to the Director and the Insurance Commissioner.

Numerous concerned individuals testified in support of this bill. The Department of Human Resources Development, Department of Human Resources of the City and County of Honolulu, Hawaii Employers' Mutual Insurance Company, Inc., Hawaii Government Employees Association, ILWU Local 142, Hawaii Medical Association, Hawaii Insurers Council, Retail Merchants of Hawaii, National Federation of Independent Businesses in Hawaii, Bay Harbor Honolulu, LLC, Pearl Country Club, and several concerned individuals opposed this measure. The Department of Labor and Industrial Relations, Department of the Attorney General, Judiciary, Hawaii State Teachers Association, Chamber of Commerce of Hawaii, Hawaii State AFL-CIO, Occupational Therapy Association of Hawaii, Hawaii State Chiropractic Association, Hawaii Chapter-American Physical Therapy Association, and numerous concerned individuals submitted comments.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1060, S.D. 1, H.D. 1, and recommends that it be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1441

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <div style="text-align: center;">SB 1060 SD1, HD1</div>		Date: <div style="text-align: center;">March 21, 2007</div>		
Committee Referral: <div style="text-align: center;">LAB, CPC, FIN</div>		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold </div> <div style="width: 45%;"> <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration </div> </div>				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				✓
2. McKELVEY, Angus L.K. (VC)	✓			
3. CALDWELL, Kirk	✓			
4. EVANS, Cindy		✓		
5. GREEN, Josh, M.D.		✓		
6. ITO, Ken	✓			
7. LUKE, Sylvia	✓			
8. MORITA, Hermina M.				✓
9. SONSON, Alex M.	✓			
10. SOUKI, Joseph M.	✓			
11. TSUJI, Clift				✓
12. YAMANE, Ryan I.		✓		
13. YAMASHITA, Kyle T.	✓			
14. MARUMOTO, Barbara C.			✓	
15. THIELEN, Cynthia				✓
TOTAL	7	3	1	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div>				
Vice Chair's or designee's signature: 				
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