

CONFERENCE COMMITTEE REP. NO. 120

Honolulu, Hawaii

April 27, 2007

RE: S.B. No. 1060  
S.D. 1  
H.D. 2  
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1060, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW,"  
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 assist injured workers and enhance the workers' compensation law by, among other things:

- (1) Providing an alternative dispute resolution process for workers' compensation claims;

SB1060 CD1 CCR JDL.doc



- (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) Amending rulemaking powers under the Workers' Compensation Law;
- (8) Establishing requirements and standards for physicians selected by mutual agreement between the claimant and the employer to perform independent medical examinations; and
- (9) Requiring employers' insurers to provide annual reports regarding the costs of their policies to the Director and the Insurance Commissioner.

Your Committee on Conference has amended the bill by:

- (1) Removing the provisions establishing optional, evidence-based treatment guidelines for medical providers treating injured workers;



- (2) Restoring the existing paragraph (8) of the exemptions from the definition of "Employment" in Section 386-1, Hawaii Revised Statutes (H.R.S.) and deleting the new proposed language that was numbered paragraph(8);
- (3) Adding a new subsection (c) to Section 382-31, H.R.S., that allows an employee to receive a weekly benefit equal to seventy per cent of the employee's average weekly wages if the injury causes permanent or temporary disability and payment of compensation was not begun within thirty days of or within the same year as the day of injury whichever is later;
- (4) Clarifying Section 386-94, H.R.S. that only an approved claim by a claimant's attorney shall be a lien upon the compensation as fixed by the Director, the Appellate Board or the Court;
- (5) Removing Section 7 of the bill that amended Section 386-72, H.R.S. entitled "Rulemaking powers."
- (6) Amending proposed language to Section 386-79, H.R.S., entitled "Medical Examination by employer's physician" to allow a claimant who is no longer residing in Hawaii be examined by physicians from a list who are licensed in the state where the claimant resides;
- (7) Deleting proposed language to allow an employee and the employee's physician to record the independent medical examination under Section 387-79, H.R.S;
- (8) Adding a provision to repeal certain rules related to Workers' Compensation;
- (9) Changing the effective date from July 1, 2020 to June 30, 2007; and
- (10) Making technical, non-substantive 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



S.B. No. 1060, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1060, S.D. 1, H.D. 2, C.D. 1.

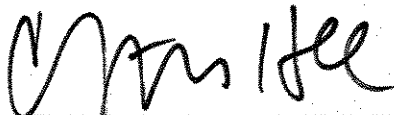
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ALEX M. SONSON, Co-Chair



CLAYTON LEE, Chair



JOSEPH M. SOUKI, Co-Chair



BOB NAKASONE, Co-Chair



Hawaii State Legislature

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1060, SD 1, HD 2</b>	Date/Time: <b>4/27/07</b>
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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.	/	/		CH	SONSON, Alex M., Co-Chr.	/	/		CH
KOKUBUN, Russell S.	/	/		CH	SOUKI, Joseph M., Co-Chr.	/	/		CH
NISHIHARA, Clarence K.	/	/			NAKASONE, Bob, Co-Chr.	/	/		CH
					AWANA, Karen Leinani	/	/		CH
<b>TOTAL</b>	<b>3</b>			<b>1</b>	<b>TOTAL</b>	<b>4</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:  


House Lead Chair's or Designee's Signature:  


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