

---

---

# A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 386-25, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3           "(b) The director may refer employees who may have or have  
4 suffered permanent disability as a result of work injuries or  
5 who have otherwise been deemed unable to return to their regular  
6 jobs where the employer has made no offer of suitable work that  
7 would restore the employee's earnings capacity as nearly as  
8 possible to the level that the employee was earning at the time  
9 of injury, and who, in the director's opinion, can be  
10 vocationally rehabilitated to the department of human services  
11 or to private providers of rehabilitation services for  
12 vocational rehabilitation services that are feasible. A  
13 referral shall be made upon recommendation of the rehabilitation  
14 unit established under section 386-71.5 and after the employee  
15 has been deemed physically able to participate in rehabilitation  
16 by the employee's attending physician. The unit shall include  
17 appropriate professional staff and shall have the following  
18 duties and responsibilities:



- 1           (1) To review and approve rehabilitation plans developed  
2                    by certified providers of rehabilitation services,  
3                    whether they [~~be~~] are private or public;
- 4           (2) To adopt rules consistent with this section that shall  
5                    expedite and facilitate the identification,  
6                    notification, and referral of industrially injured  
7                    employees to rehabilitation services[~~r~~] and establish  
8                    minimum standards for providers providing  
9                    rehabilitation services under this section;
- 10          (3) To certify private and public providers of  
11                    rehabilitation services meeting the minimum standards  
12                    established under paragraph (2); and
- 13          (4) To enforce the implementation of rehabilitation  
14                    plans."

15           SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 3. This Act shall take effect on July 1, 2008.



**Report Title:**

Workers' Compensation; Vocational Rehabilitation

**Description:**

Expands eligibility for vocational rehabilitation to workers who are deemed unable to return to their regular jobs and are not offered work at the pre-injury earnings level. (HB2479 HD1)

