

JAN 18 2008

S.B. NO. 2592

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-79, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§386-79 Medical examination by employer's physician[-];**
4 **examination to determine permanent partial disability.** (a)

5 After an injury and during the period of disability, the
6 employee, whenever ordered by the director of labor and
7 industrial relations, shall submit to examination, at reasonable
8 times and places, by a duly qualified physician or surgeon
9 designated and paid by the employer. The employee shall have
10 the right to have a physician or surgeon designated and paid by
11 the employee present at the examination, which right, however,
12 shall not be construed to deny to the employer's physician the
13 right to visit the injured employee at all reasonable times and
14 under all reasonable conditions during total disability.

15 If an employee refuses to submit to, or in any way
16 obstructs such examination, the employee's right to claim
17 compensation for the work injury shall be suspended until the
18 refusal or obstruction ceases and no compensation shall be



1 payable for the period during which the refusal or obstruction
2 continues.

3 In cases where the employer is dissatisfied with the
4 progress of the case or where major and elective surgery, or
5 either, is contemplated, the employer may appoint a physician or
6 surgeon of the employer's choice who shall examine the injured
7 employee and make a report to the employer. If the employer
8 remains dissatisfied, this report may be forwarded to the
9 director.

10 Employer requested examinations under this section shall
11 not exceed more than one per case unless good and valid reasons
12 exist with regard to the medical progress of the employee's
13 treatment. The cost of conducting the ordered medical
14 examination shall be limited to the complex consultation charges
15 governed by the medical fee schedule established pursuant to
16 section 386-21(c).

17 (b) When an injured employee has attained medical
18 stability, any party to a claim may request that a permanent
19 impairment rating examination be conducted at the employer's
20 expense by a physician or surgeon selected jointly by and by
21 mutual agreement between the employer and the employee. If the
22 parties cannot agree on a physician or surgeon to perform the



1 permanent impairment rating examination, the director shall
 2 appoint a physician or surgeon licensed in the relevant medical
 3 specialty from a list of qualified physicians licensed to
 4 practice in the state and willing to undertake such an
 5 examination.

6 No such permanent impairment rating examination may be
 7 conducted in conjunction with a medical examination by the
 8 employer's physician as provided in subsection (a) unless the
 9 injured employee consents in writing prior to the scheduling of
 10 the permanent impairment rating examination.

11 For the purposes of this subsection, "medical stability"
 12 means that no further improvement in the injured employee's
 13 work-related condition can be expected from further medical
 14 treatment and that continued medical care will only prevent
 15 deterioration of the condition."

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

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten Signature]
 by request



Report Title:

Workers Compensation; Medical Examinations

Description:

Provides parameters for conducting medical examinations when determining permanent partial disability in workers compensation cases.

