

Honolulu, Hawaii  
Feb 15, 2008

RE: H.B. No. 2388

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2388 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect the health and welfare of injured workers by ensuring that injured employees receive uninterrupted medical care, even when disputes arise over whether treatment should be continued.

The Hawaii State AFL-CIO and ILWU Local 142 testified in support of this bill. The Hawaii Chapter-American Physical Therapy Association supported the intent of this measure. The Department of Labor and Industrial Relations, Department of Human Resources Development, Hawaii Insurers Council, National Federation of Independent Businesses, Property Casualty Insurers Association of America, the Chamber of Commerce of Hawaii, Building Industry Association of Hawaii, American Insurance Association, and Hidano Construction, Inc. testified in opposition to this bill.

The workers' compensation law was established as a "no-fault" law designed to be a "win-win" situation for all the parties involved. An injured worker would receive necessary medical treatment to allow them to return to work but would give up the right to sue the employer. In return, the employer would regain a productive employee without having to worry about a lawsuit.



However, this system has proven to be more adversarial in nature than was envisioned.

Although obtaining proper medical treatment is the best method to returning an employee to gainful employment in a timely and efficient manner, medical treatments are often a point of contention between the employee and employer. Your Committee finds that ensuring that medical treatments for an injured employee are continued until a decision is rendered by the Director on the appropriateness of the treatment is in the best interest of both the employee and employer.

However, your Committee is also cognizant that employees may receive unnecessary treatments at a cost to an employer or insurer prior to the Director rendering a decision. In these cases, the employer or insurer may recover the costs they have expended from the employees health care provider or other occupational or non-occupational insurer.

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. 2388 and recommends that it pass Second Reading 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



525.08

State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: <b>HB 2388</b>	Committee Referral: <b>LAB, FIN</b>	Date: <b>02/05/08</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	Y			
2. NAKASONE, Bob (VC)				X
3. EVANS, Cindy		Y		
4. HAR, Sharon E.		Y		
5. LEE, Marilyn B.	Y			
6. LUKE, Sylvia	Y			
7. McKELVEY, Angus L.K.	Y			
8. NISHIMOTO, Scott Y.	Y			
9. SOUKI, Joseph M.	Y			
10. TAKAMINE, Dwight Y.	Y			
11. TAKUMI, Roy M.	Y			
12. MEYER, Colleen Rose		Y		
13. PINE, Kymberly Marcos		Y		
<b>TOTAL (13)</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>1</b>
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) – Chief Clerk's Office				