

STAND. COM. REP. NO.

3441

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2388
H.D. 1
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 2388, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require an employer to continue providing essential medical services to an injured employee despite a dispute over whether treatment should be continued, until the Director of Labor and Industrial Relations decides whether treatment should be continued.

This measure sets a thirty-day deadline from the filing of the dispute by which the Director must decide the issue. If the Director determines that medical services should be or should have been discontinued, then the Director is to designate the date after which medical services for that treatment plan will be denied. The measure allows the employer or the employer's insurer to recover from the claimant's personal health care provider, or from any other appropriate occupational or non-occupational insurer, the money paid for medical services rendered after the date designated by the Director. Finally, the attending physician, injured employee, employer, or insurance carrier may request a review of the Director's decision.

Your Committee received testimony in support of this measure from the Hawaii State Chiropractic Association. The Department of Human Resources Development, Hawaii Insurers Council, National

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Federation of Independent Business Hawaii, Retail Merchants of Hawaii, Property Casualty Insurers Association of America, Kauai Chamber of Commerce, NetEnterprise Inc., Chamber of Commerce of Hawaii, American Insurance Association, General Contractors Association of Hawaii, Hawaii Independent Insurance Agents Association, MMK Maui LP, and Hawaiian Electric Co., Inc. submitted testimony in opposition. The American Physical Therapy Association, Hawaii Chapter, offered comments.

Upon further consideration, your Committee has amended this measure by creating a temporary working group to consider the issue, when there exists a dispute over whether treatment to an injured employee should be continued, whether an employer should be required to continue medical services to the injured employee until the director of labor and industrial relations makes a decision whether the treatment should be continued. The Chairperson of the Senate Judiciary and Labor Committee and the Chairperson of the House Labor and Public Employment Committee, or their designees, shall act as co-chairpersons. The working group is to report its recommendations, including any necessary legislation, to the Legislature no later than twenty days prior to the convening of the regular session of 2009. The Department of Labor and Industrial Relations is to assist the working group in drafting recommended legislation and provide administrative support as needed.

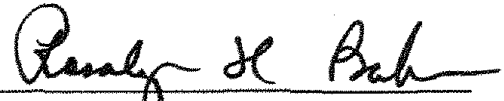
Your Committee also amended this measure to change the effective date from July 1, 2050, to July 1, 2009, except that the section creating the temporary working group takes effect upon approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2388, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2388, H.D. 1, S.D. 2.



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Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



ROSALYN H. BAKER, Chair



