

STAND. COM. REP. NO.

2491

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 3012  
S.D. 1

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

Madam:

Your Committee on Health, to which was referred S.B. No. 3012  
entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to limit the number of visits,  
charge per visit, and combined total visits for therapeutic  
massage treatments to those imposed on naturopathic, chiropractic,  
and acupuncture treatments in determining motor vehicle insurance  
policy personal injury protection benefits.

Testimony in support of the measure was submitted by the  
Department of Commerce and Consumer Affairs, GEICO, State Farm  
Insurance Companies, and the Hawaii Insurers Council. Testimony  
in opposition to the measure was submitted by the Hawaii State  
Chiropractic Association, the American Massage Therapy  
Association-Hawaii Chapter, the Massage Therapists Association of  
Hawaii, the Consumer Lawyers of Hawaii, and fourteen individuals.

Your Committee finds that, under the current motor vehicle  
insurance law, combined chiropractic, naturopathic, and  
acupuncture treatments under personal injury protection coverage  
cannot exceed thirty visits. Therapeutic massage and physical  
therapy, however, are treatments subject to other limitations,  
including requiring a prescription from a medical doctor. Your  
Committee further finds that, recently, the Department of Labor  
and Industrial Relations implemented increases to the workers'  
compensation supplemental medical fee schedule, which increased

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the charges allowed for therapeutic massage treatments. This measure seeks to offset the effects of the cost increase by limiting the number of therapeutic massage treatments allowed under personal injury protection benefits in a motor vehicle insurance policy. Additionally, this measure also attempts to prevent abuses and excessive treatment.

Your Committee does not believe that imposing the same limitations on therapeutic massage treatments as applies to chiropractic, naturopathic, and acupuncture treatments is the most effective way to deal with the existing or potential abuse. Instead, a more focused solution needs to be examined and implemented.

Accordingly, your Committee has amended this measure by changing its effective date to July 1, 2050 to facilitate further discussion on and changes to the measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3012, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3012, S.D. 1, and be referred to the Committee on Commerce, Consumer Protection, and Affordable Housing.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

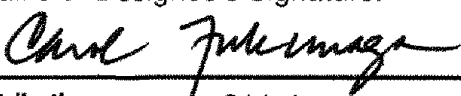


DAVID Y. IGE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

|  |                                   |                          |     |         |
|--|-----------------------------------|--------------------------|-----|---------|
| Bill / Resolution No.:*<br><b>SB 3012</b>  | Committee Referral:<br><b>HTH</b> | Date:<br><b>02-14-08</b> |     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                                   |                          |     |         |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                                   |                          |     |         |
| Members  | Aye                               | Aye (WR)                 | Nay | Excused |
| IGE, David Y. (C)  | ✓                                 |                          |     |         |
| FUKUNAGA, Carol (VC)   | ✓                                 |                          |     |         |
| BAKER, Rosalyn H.  | ✓                                 |                          |     |         |
| MENOR, Ron   | ✓                                 |                          |     |         |
| WHALEN, Paul   | ✓                                 |                          |     |         |
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| <b>TOTAL</b>   | <b>5</b>                          |                          |     |         |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                   |                          |     |         |
| Chair's or Designee's Signature:<br>  |                                   |                          |     |         |
| Distribution:            Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |                                   |                          |     |         |

\*Only one measure per Record of Votes