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TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-FOURTH LEGISLATURE  
Regular Session of 2008

Wednesday, March 19, 2008  
9:15 a.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 148/HOUSE  
RESOLUTION NO. 127 – URGING HAWAII’S HEALTH INSURERS TO PROVIDE  
COVERAGE FOR FEES CHARGED FOR LETTERS PROVIDED BY A PHYSICIAN AS  
VERIFICATION OF A PATIENT’S DISABILITY OR OTHER CONDITION FOR WHICH  
SUBSTANTIATION IS NECESSARY.**

TO THE HONORABLE JOSH GREEN, M.D., CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is J.P. Schmidt, State Insurance Commissioner (“Commissioner”),  
testifying on behalf of the Department of Commerce and Consumer Affairs  
(“Department”). The Department takes no position on House Concurrent Resolution  
148 and House Resolution 127. While we understand the intent of providing some  
financial help to people who are seeking a doctor’s aid because of a mandatory  
procedure required by disability insurers, we are not certain that governmental  
intervention is warranted in the area of burdens placed on parties by private contractual  
arrangements.

We thank the Committee for this opportunity to testify.

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## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 19, 2008

### TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH

House Concurrent Resolution 148 - Urging Hawaii's Health Insurers to Provide Coverage for Fees Charged for Letters Provided by a Physician as Verification of a Patient's Disability or Other Condition for Which Substantiation is Necessary

The Disability and Communication Access Board (DCAB) supports House Concurrent Resolution 148 which focuses on the cost that individuals with disabilities must often bear in order to obtain physician verification of disability.

However, the Board notes that there is a misconception in the second 'Whereas' paragraph which should be corrected. The resolution assumes that the only reason a person needs a doctor's letter is to prove the person is too disabled to work and is eligible for disability benefits. However, many situations encountered by our office are for people who are working and who seek a reasonable accommodation on the job, time off for family medical leave for a serious or life-threatening illness, or who are returning to work. In those circumstances an employer is entitled to medical verification and many pose questions to the physician seeking more information about the individual's disability, the nature of an accommodation, and workplace restrictions. Our society and administrative procedures are overly dependent on physician documentation to substantiate disability status. Often these letters or forms require some time and are not billable hours.

While this resolution is only a request or suggestion, we hope that it will facilitate the willingness of physicians to assist people with disabilities with the appropriate paperwork to obtain services or benefits.

Thank you for the opportunity to testify.

Respectfully submitted,

PATRICIA M. NIELSEN  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

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