

JAN 23 2009

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Chapter 386, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§386- Workers' compensation fraud hotline. (a) There
5 is established within the department a confidential telephone
6 hotline to report fraud violations of this chapter dealing with
7 workers' compensation. The department shall make available a
8 confidential toll free workers' compensation fraud hotline for
9 the purpose of accepting calls from persons wishing to report a
10 suspected workers' compensation fraud matter.

11 (b) The director shall adopt rules to implement the
12 workers' compensation fraud hotline."

13 SECTION 2. Section 386-3, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

15 "(b) No compensation shall be allowed for an injury
16 incurred by an employee [~~by the employee's wilful intention to~~
17 ~~injure oneself or another by actively engaging in any unprovoked~~



1 ~~non-work related physical altercation other than in self~~
2 ~~defense,] resulting from any act of violence, even where the~~
3 ~~employee is the innocent victim of an unprovoked assault, or by~~
4 ~~the employee's intoxication.~~

5 (c) A claim for mental stress [~~resulting solely from~~
6 ~~disciplinary action taken in good faith by the employer]~~ shall
7 not be allowed[~~; provided that if a collective bargaining~~
8 ~~agreement or other employment agreement specifies a different~~
9 ~~standard than good faith for disciplinary actions, the standards~~
10 ~~set in the collective bargaining agreement or other employment~~
11 ~~agreement shall be applied in lieu of the good faith standard.~~
12 ~~For purposes of this subsection, the standards set in the~~
13 ~~collective bargaining agreement or other employment agreement~~
14 ~~shall be applied in any proceeding before the department, the~~
15 ~~appellate board, and the appellate courts]."~~

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so much
18 thereof as may be necessary for fiscal year 2009-2010, for the
19 purpose of establishing and implementing a confidential toll
20 free workers' compensation fraud hotline.



1 SECTION 4. The sum appropriated shall be expended by the
2 department of labor and industrial relations to establish and
3 implement a workers' compensation fraud hotline.

4 SECTION 5. The attorney general shall assign one deputy
5 attorney general whose duty shall be solely to investigate and
6 prosecute workers' compensation fraud violations and violations
7 of all applicable state laws relating to workers' compensation
8 fraud violations, including fraud violations under section 386-
9 98, Hawaii Revised Statutes.

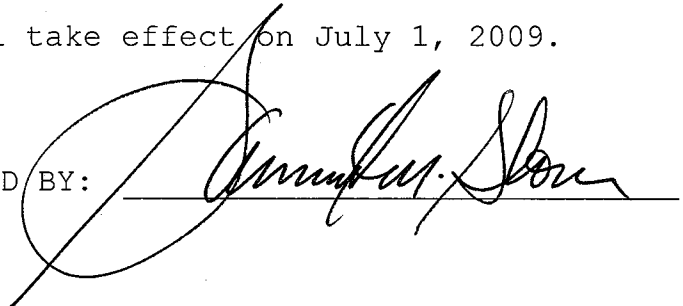
10 SECTION 6. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval;
16 provided that section 3 shall take effect on July 1, 2009.

17

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Linda Lingle", is written over a horizontal line. The signature is stylized and cursive.

Report Title:

Workers' Compensation; Stress and Violence Claims; Fraud Hotline

Description:

Removes workers' compensation coverage for stress claims and injuries and damages from any act of violence; appropriates funds to establish a workers' compensation fraud hotline; requires designation of a deputy attorney general to investigate and prosecute workers' compensation fraud violations.

