

MAR 18 2009

SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE AUDITOR TO CONDUCT AN UPDATED STUDY OF WHETHER INJURED EMPLOYEES' ACCESS TO MEDICAL CARE IS BEING CURTAILED DUE TO THE PRACTICE OF TYING REIMBURSEMENT RATES FOR MEDICAL SERVICES TO THE MEDICARE FEE SCHEDULE.

1 WHEREAS, Hawaii's workers' compensation law was established
2 to provide prompt and accurate benefits to employees who sustain
3 work-related injuries or illnesses; however, some injured
4 workers have encountered unreasonable difficulty in obtaining
5 adequate medical services under the workers' compensation law
6 and relevant administrative rules; and

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8 WHEREAS, Act 234, Session Laws of Hawaii 1995, enacted the
9 practice of limiting reimbursement rates of medical services for
10 workers' compensation cases to one hundred ten per cent of the
11 fees in the Medicare Resource Based Relative Value Scale system
12 as applicable to Hawaii, and this practice took effect on
13 January 1, 1997, pursuant to Act 260, Session Laws of Hawaii
14 1996; and

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16 WHEREAS, there have been reports of health care providers
17 not accepting workers' compensation cases due to the limitation
18 on reimbursement rates enacted by Act 234 (1995); and

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20 WHEREAS, Senate Concurrent Resolution No. 147, S.D. 1 (2001
21 Regular Session), requested the State Auditor to conduct a study
22 of whether injured workers' access to medical care was being
23 curtailed by linking reimbursement rates of medical services to
24 the Medicare fee schedule; and

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26 WHEREAS, in March 2002, the State Auditor submitted to the
27 Legislature an audit and study pursuant to Senate Concurrent
28 Resolution No. 147, S.D. 1 (2001), which audit found no
29 significant evidence to demonstrate that injured workers' access
30 to medical care was curtailed by tying reimbursement of medical
31 services to the Medicare fee schedule; and



1 WHEREAS, despite the findings of the State Auditor in 2002,
2 the impacts of Act 234, Session Laws of Hawaii 1995, may still
3 exist, especially on the neighbor islands, in the form of
4 injured workers' limited access to workers' compensation medical
5 benefits, and further study is warranted to determine whether
6 injured workers are able to justly receive appropriate medical
7 benefits under state workers' compensation laws and relevant
8 administrative rules; now, therefore,
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10 BE IT RESOLVED by the Senate of the Twenty-fifth
11 Legislature of the State of Hawaii, Regular Session of 2009, the
12 House of Representatives concurring, that the State Auditor is
13 requested to conduct an updated study that determines whether
14 access to medical care for all injured employees affected by the
15 enactment of Act 234, Session Laws of Hawaii 1995, has been
16 limited by that Act and the reasons for the limitations, with an
17 emphasis on any developments within the past five years that
18 have exacerbated the challenge of injured workers accessing
19 adequate medical care, and the effects on injured workers
20 residing on the neighbor islands; and
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22 BE IT FURTHER RESOLVED that the State Auditor is requested
23 to include in its findings, clarification of the procedure for
24 injured employees to access medical care under workers'
25 compensation and a review of the Department of Labor and
26 Industrial Relations' adherence to all applicable laws and
27 administrative rules regarding the processing of workers'
28 compensation claims to receive medical benefits; and
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30 BE IT FURTHER RESOLVED that the State Auditor is requested
31 to submit findings and recommendations, including any proposed
32 legislation, to the Legislature not later than twenty days prior
33 to the convening of the Regular Session of 2010; and
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2 BE IT FURTHER RESOLVED that certified copies of this
3 Concurrent Resolution be transmitted to the State Auditor and
4 the Director of Labor and Industrial Relations.
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OFFERED BY: *Pat R*

