

STAND. COM. REP. NO. 978

Honolulu, Hawaii

March 12, 2009

RE: S.B. No. 695
S.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 695, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect the health and welfare of injured workers by ensuring that injured employees receive uninterrupted medical care, even when disputes arise over whether treatment should be continued.

The ILWU Local 142, Hawaii Government Employees Association, Iron Workers Stabilization Fund, and Hawaii State Chiropractic Association testified in support of this bill. The Hawaii Chapter-American Physical Therapy Association and a concerned individual supported the intent of this measure. The Department of Labor and Industrial Relations (DLIR), Department of Human Resources Development, Department of Human Resources of the City and County of Honolulu, Hawaii Insurers Council, National Federation of Independent Businesses, Property Casualty Insurers Association of America, Chamber of Commerce of Hawaii, American Insurance Association, Maui Chamber of Commerce, Retail Merchants of Hawaii, Kaua'i Chamber of Commerce, Hawaiian Electric Company, Inc., Maui Electric Company, Ltd., Hawaii Electric Light Company, Inc., Society for Human Resource Management Hawaii, Kona Community Hospital, State Farm Insurance Companies, Archinoetics, LLC, Highway Inn, and numerous concerned individuals opposed this bill.

SB695 SD1 HSCR LAB HMS 2009-2718



The workers' compensation law was established as a "no-fault" law designed to be a "win-win" situation for all the parties involved--with a worker returning to work and the employer regaining a productive employee. However, at times this system has proven to be more adversarial in nature than was envisioned.

Although obtaining proper medical treatment is the best method to return an injured employee to gainful employment in a timely and efficient manner, medical treatments are often a point of contention between the employee and employer. Your Committee finds that continuing medical treatments for an injured employee, until a decision is rendered by the Director of DLIR on the appropriateness of the treatment, is in the best interest of both the employee and employer.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 695, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



