



Hawaii State Chiropractic Association

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February 5, 2009

The Senate
Committee on Labor
Chair Sen. Dwight Takamine
Vice Chair Sen. Brian Taniguchi

For Hearing on
Date: Tuesday, February 10
Time: 2:45 pm
Place: Conference Room 224

Chair Takamine, Vice Chair Taniguchi, and members of the committee:

My name is Gary Saito. I am the President and Executive Director of the Hawaii State Chiropractic Association. Our organization **supports the intent of SB695.**

Time and time again, injured workers are denied their workers' compensation benefits because of denials of medical treatments by the employer and insurance carrier. Insurance carriers often don't even give a valid or reasonable explanation for denying care. Employer/carrier claim denials are responsible for some of the adversarial outcomes in work comp cases.

What happens when injured workers are denied benefits?

1. Weeks and months go by without reasonable and appropriate medical care. Conventional medical wisdom advises that, the longer an injury is allow to persist untreated, the more likely the original injury can become chronic, more difficult treat. and more complex.
2. Injured workers don't get the proper diagnostic tests performed in a timely manner to properly diagnose their conditions. This lack of diagnostic confirmation can be the cause of delays in treatment, incorrect treatment, and worsening of injury conditions in workers.
3. Even though the injured worker can request a DCD hearing to determine compensability, hearings are not scheduled in a timely manner (usually 6 months to a year). Even thought the DCD professes that hearings are schedule within 80 days, I have yet to see it happen.

4. When compensability and liability are denied by the employer of a legitimately injured worker, the worker is the one who suffers lack of appropriate and reasonable treatment, TTD income, and resolution of the injury. Many legitimately injured employees face financial difficulties and ruin when employers deny them statutorily guaranteed rights to treatments.

For years, carriers have denied benefits "pending investigation". They don't even explain:

1. what is being investigated
2. how the investigation is being conducted
3. when it will be concluded, or
4. what the basis of the investigation is.

The system right now fails miserably to protect the injured worker's right to reasonable and appropriate medical treatment. Denials and delays often have nothing to do with the employee's injury. They have more to do with preserving bottom line profits by cutting off access to care and restricting reimbursements to providers.

Every employer in the state should insist that their premium dollars go toward the treatment of their injured workers. Workers are their business life blood. They should do everything to help an injured worker recover as quickly as possible and return to gainful employment for the company. Too many injured workers, however, are not so reasonably and respectfully treated.

We ask for legislators to uphold the statutes by requiring the proper treatment of injured workers. This bill is one attempt to protect and preserve injured workers' rights to benefits.

We urge your support of SB 695. Thank you for your consideration of our position on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Saito". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

Gary Saito, DC
President and Exec Director, HSCA

Testimony for LBR 2/10/2009 2:45:00 PM SB695

Conference room: 224

Testifier position: oppose

Testifier will be present: No

Submitted by: Bob Hansen

Organization: Individual

Address:

Phone:

E-mail: dad@mauirealestate.net

Submitted on: 2/10/2009

Comments:

Anything that has to do with making it harder for businesses to stay in business is ridiculous at this time or any time.

Testimony for LBR 2/10/2009 2:45:00 PM SB695

Conference room: 224

Testifier position: oppose

Testifier will be present: No

Submitted by: Ulrich Okura Kirkegaard

Organization: Maui Tech Guru

Address:

Phone:

E-mail: uli@mauitechguru.com

Submitted on: 2/10/2009

Comments:

will limit business growth in this economy especially.

Testimony for LBR 2/10/2009 2:45:00 PM SB695

Conference room: 224

Testifier position: oppose

Testifier will be present: No

Submitted by: Tina Hoenig

Organization: PuroClean

Address: 138 Kapela Place Kahului, HI

Phone:

E-mail: Tina@HoenigMail.com

Submitted on: 2/10/2009

Comments:

I oppose this bill.