
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-21, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:
3 "(c) The liability of the employer for medical care,
4 services, and supplies shall be limited to the charges computed
5 as set forth in this section. The director shall make
6 determinations of the charges and adopt fee schedules based upon
7 those determinations. Effective January 1, 1997, and for each
8 succeeding calendar year thereafter, the charges shall not
9 exceed one hundred ten per cent of fees prescribed in the
10 Medicare [~~Resource-Based~~] Resource-Based Relative Value Scale
11 [~~system~~] applicable to Hawaii as prepared by the United States
12 Department of Health and Human Services, except as provided in
13 this subsection. Effective January 1, 2010, and for each
14 succeeding calendar year thereafter, the charges shall not
15 exceed _____ per cent of fees prescribed in the Medicare
16 Resource-Based Relative Value Scale applicable to Hawaii as
17 prepared by the United States Department of Health and Human
18 Services, except as provided in this subsection. The rates or



1 fees provided for in this section shall be adequate to ensure at
2 all times the standard of services and care intended by this
3 chapter to injured employees.

4 If the director determines that an allowance under the
5 medicare program is not reasonable, or if a medical treatment,
6 accommodation, product, or service existing as of June 29, 1995,
7 is not covered under the medicare program, the director, at any
8 time, may establish an additional fee schedule or schedules not
9 exceeding the prevalent charge for fees for services actually
10 received by providers of health care services to cover charges
11 for that treatment, accommodation, product, or service. If no
12 prevalent charge for a fee for service has been established for
13 a given service or procedure, the director shall adopt a
14 reasonable rate that shall be the same for all providers of
15 health care services to be paid for that service or procedure.

16 The director shall update the schedules required by this
17 section every three years or annually, as required. The updates
18 shall be based upon:

- 19 (1) Future charges or additions prescribed in the Medicare
20 [~~Resource-Based~~] Resource-Based Relative Value Scale
21 [~~system~~] applicable to Hawaii as prepared by the



1 United States Department of Health and Human Services;
2 or
3 (2) A statistically valid survey by the director of
4 prevalent charges for fees for services actually
5 received by providers of health care services or based
6 upon the information provided to the director by the
7 appropriate state agency having access to prevalent
8 charges for medical fee information.

9 When a dispute exists between an insurer or self-insured
10 employer and a medical services provider regarding the amount of
11 a fee for medical services, the director may resolve the dispute
12 in a summary manner as the director may prescribe; provided that
13 a provider shall not charge more than the provider's private
14 patient charge for the service rendered."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Workers' Compensation; Medical Rates; Fees

Description:

Increases the fee schedule of compensation for medical care in workers' compensation cases from 110 percent to _____ of the Medicare Resource Based Relative Value Scale system applicable to Hawaii as prepared by the United States Department of Health and Human Services. Effective July 1, 2020. (HB1390 HD2)

