



GOV. MSG. NO. **675**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2566 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB2566 HD2 CD1

A BILL FOR AN ACT  
RELATING TO MEDICAL AND REHABILITATION  
BENEFITS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2566

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2566, entitled "A Bill for an Act Relating to Medical and Rehabilitation Benefits."

The purpose of this bill is to provide under the State's workers' compensation law, that a physician or surgeon may conduct diagnostic testing or engage in a one-time consultation with a specialist, and the request for or provision of such diagnostic services shall not be subject to contest by an insurer or employer. Furthermore, this bill provides that the one-time consultation may be made regardless of whether the specialist works in a medical facility in which the physician or surgeon has a financial interest.

This bill is objectionable because it unnecessarily increases workers' compensation costs in Hawaii by creating an unintended bias against employers and insurance carriers, who pay for the workers' compensation treatments. This measure denies them the opportunity to challenge services that may not be medically necessary. In addition, because it allows a consultation at a medical facility in which the referring physician or surgeon has a financial interest, this bill may allow situations to occur that involve a conflict of interest.

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2566  
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For the foregoing reasons, I am returning Senate Bill  
No. 2566 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingie", written in a cursive style.

LINDA LINGIE  
Governor of Hawaii

# VETO

THE SENATE  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

S.B. NO. 2566  
H.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO MEDICAL AND REHABILITATION BENEFITS.

**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 (b) to read as follows:  
3 "(b) Whenever medical care is needed, the injured employee  
4 may select any physician or surgeon who is practicing on the  
5 island where the injury was incurred to render medical care.  
6 The physician or surgeon may conduct diagnostic testing or  
7 engage in a one-time consultation for subspecialty diagnostic  
8 evaluation and treatment recommendations from a board-certified  
9 or licensed specialist, and the request for or provision of such  
10 diagnostic services shall not be subject to contest by an  
11 insurer or employer; provided that the one-time consultation may  
12 be made regardless of whether the board-certified or licensed  
13 specialist works in a medical facility in which the physician or  
14 surgeon has a financial interest. If the services of a  
15 specialist are indicated, the employee may select any physician  
16 or surgeon practicing in the [~~State.~~] state. The director may  
17 authorize the selection of a specialist practicing outside the  
18 [~~State~~] state where no comparable medical attendance within the



1 [~~State~~] state is available. Upon procuring the services of a  
2 physician or surgeon, the injured employee shall give proper  
3 notice of the employee's selection to the employer within a  
4 reasonable time after the beginning of the treatment. If for  
5 any reason during the period when medical care is needed, the  
6 employee wishes to change to another physician or surgeon, the  
7 employee may do so in accordance with rules prescribed by the  
8 director. If the employee is unable to select a physician or  
9 surgeon and the emergency nature of the injury requires  
10 immediate medical attendance, or if the employee does not desire  
11 to select a physician or surgeon and so advises the employer,  
12 the employer shall select the physician or surgeon. The  
13 selection, however, shall not deprive the employee of the  
14 employee's right of subsequently selecting a physician or  
15 surgeon for continuance of needed medical care."

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

18 SECTION 3. This Act shall take effect on July 1, 2010.

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