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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 Statutory material to be repealed is bracketed  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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**Report Title:**

Medical and Rehabilitation Benefits

**Description:**

Clarifies that a physician or surgeon may conduct diagnostic testing or engage in a one-time consultation for a subspecialty diagnostic evaluation and treatment recommendations from a board-certified or licensed specialist. Allows for the one-time consultation to be referred to a board-certified or licensed specialist working in a facility in which a physician or surgeon may have a financial interest. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

