

STAND. COM. REP. NO.

398

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 1279

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 H.B. No. 1279 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 testified in support of this bill. The Hawaii Medical Association, Hawaii Chapter-American Physical Therapy Association, Hawaii State Chiropractic 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, The Chamber of Commerce of Hawaii, Building Industry Association of Hawaii, American Insurance Association, Hawaii Independent Insurance Agents Association, Hawaiian Airlines, Maui Chamber of Commerce, Retail Merchants of Hawaii, and General Contractors Association of Hawaii testified in opposition to this bill.

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

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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.

However, your Committee recognizes that employees may receive unnecessary treatments at a cost to an employer or insurer prior to the Director rendering a decision. Nevertheless, your Committee finds that this is a matter that can be worked on as this bill makes its way through the legislative process and that this measure deserves further consideration.

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 H.B. No. 1279 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



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

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Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 1279	Committee Referral: LAB, FIN	Date: 2-10-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. AWANA, Karen Leinani	/			
5. HANOHANO, Faye P.	/			
6. KEITH-AGARAN, Gilbert S.C.	/			
7. LEE, Marilyn B.	/			
8. NAKASHIMA, Mark M.	/			
9. SAIKI, Scott K.				/
10. SOUKI, Joseph M.	/			
11. TAKUMI, Roy M.	/			
12. PINE, Kymberly Marcos		/		
TOTAL (12)	10	1	—	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				