

STAND. COM. REP. NO.

204

Honolulu, Hawaii

FEB 12, 2009

RE: H.B. No. 1390

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. 1390 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this bill is to provide prompt medical treatment for injured workers by:

- (1) Increasing the availability of medical care for injured workers; and
- (2) Encouraging more physicians to accept industrial accident claims.

This bill increases the fee schedule of compensation for medical care in workers' compensation cases from 110 per cent to 150 per cent of the Medicare Resource Based Relative Value Scale system applicable to Hawaii as prepared by the United States Department of Health and Human Services.

The ILWU Local 142, Hawaii Medical Association, Hawaii State Chiropractic Association, Hawaii Chapter-American Physical Therapy Association, and several concerned individuals testified in support of this bill. Two individuals supported the intent of this measure. The Department of Labor and Industrial Relations, Department of Human Resources Development, Department of Human Resources of the City and County of Honolulu, American Insurance Association, State Farm Insurance Companies, and Hawaii Insurers

HB1390 HSCR LAB HMS 2009-2009



Council testified in opposition to this bill. The Department of Commerce and Consumer Affairs submitted comments.

Currently, Hawaii's injured workers are finding it difficult to obtain medical treatment. One reason is that many physicians are not willing to accept cases involving injuries covered by workers' compensation. Since workers' compensation claims often necessitate the filing of extensive medical treatment plans and reports, these types of cases are often difficult and time consuming with physicians rarely recovering the financial costs involved because of low reimbursement rates. By increasing the limitations on reimbursement rates, more physicians may be encouraged to accept industrial claims cases.

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. 1390 and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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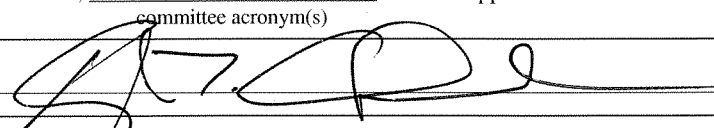
KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 204

**Record of Votes of the Committee on Labor & Public Employment**

<b>Bill/Resolution No.:</b> HB 1390	<b>Committee Referral:</b> LAB, CPC, FIN	<b>Date:</b> 2-10-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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		/		
<b>TOTAL (12)</b>	9	1		2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> 				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				