

Honolulu, Hawaii

MAR 19 2010

RE: H.B. No. 1390  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Labor, to which was referred H.B. No. 1390, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase the fee schedule of compensation for medical care in workers' compensation cases from 110 per cent to an unspecified percentage of the Medicare Resource Based Relative Value Scale system applicable to Hawaii, as prepared by the United States Department of Health and Human Services.

However, your Committee has deleted the contents of this measure and replaced it with a proposed S.D. 1 that consists of the contents of S.B. No. 2339, S.D. 1, which:

- (1) Requires an employer who denies compensability, or indicates compensability is not accepted, to submit a written report to the Director of Labor and Industrial Relations and the claimant within thirty days of its denial of, or indication not to accept, compensability that substantiates its denial of compensability; and
- (2) Does not allow the due date for the employer's written report to be extended.



Testimony in support of this proposed measure was submitted by three private organizations and three individuals. Testimony in opposition of this measure was submitted by one state agency, one county agency, and one private organization. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that a clear trigger date that would establish an employer's position on accepting or denying a compensability claim needs to be determined in writing by the employer, or on an applicable form of the Department of Labor and Industrial Relations, in order to place a maximum length of time that a claimant could wait before potentially receiving disability benefits. Your Committee also finds that once an injured worker knows whether the employer will accept or deny compensability on a claim, the injured worker's financial hardship will no longer be in limbo.

Your Committee has amended this measure by deleting the contents of this measure and replacing it with the contents of S.B. No. 2339, S.D. 1.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1390, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1390, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

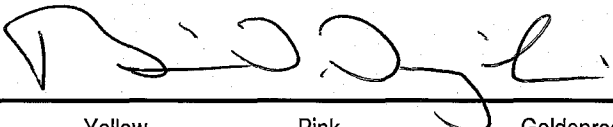
Respectfully submitted on  
behalf of the members of the  
Committee on Labor,

  
\_\_\_\_\_  
DWIGHT Y. TAKAMINE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1390 HD2	LBR, WAM	3/17/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert				✓
HEE, Clayton				✓
SLOM, Sam			✓	
<b>TOTAL</b>	2	0	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes