

STAND. COM. REP. NO.

437

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 62

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Labor, to which was referred S.B. No. 62  
entitled:

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

begs leave to report as follows:

The purpose of this measure is to require independent medical  
examinations and permanent impairment rating examinations for  
workers' compensation claims to be performed by physicians  
mutually agreed upon by employers and employees or appointed by  
the Director of Labor and Industrial Relations.

Testimony in support of the measure was submitted by thirteen  
organizations.

Testimony in opposition of the measure was submitted by two  
state agencies, two county agencies, and seven organizations.  
Written testimony presented to the Committee may be reviewed on  
the Legislature's website.

Your Committee finds that the current method of selection of  
physicians to perform independent medical examinations by  
employers has led to confrontation, distrust, and animosity  
between many injured workers and employers.

Your Committee further finds that since employers or insurers  
currently pay for and select examining physicians, these  
physicians may be biased toward employers and insurers, and that a  
more impartial process of selecting examining physicians would

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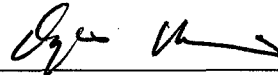
better protect the interests of both the injured worker and the employer.

Your Committee notes that while there is no consensus on whether this measure will increase or decrease workers' compensation costs, it may reduce distrust between injured workers and their examining physicians, thereby minimizing unnecessary hearings to dispute physicians' findings.

Your Committee has amended this measure by making technical, nonsubstantive changes.

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 S.B. No. 62, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 62, S.D. 1, and be placed on the calendar for Third Reading.

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



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DWIGHT Y. TAKAMINE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

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

Bill / Resolution No.:* <b>SB62</b>	Committee Referral: <b>LBR</b>	Date: <b>2/10/09</b>		
<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>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>
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