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**International Association of Rehabilitation Professionals
Hawaii Chapter**

**Testimony Opposing HB 2493
Hearing 2/5/10 at 9:30 pm in Room 309
HB 2493**

February 4, 2010

Rep. Karl Rhoads
Chair, House Labor Committee

Rep. Kyle T. Yamashita,
Vice Chair, House Labor Committee

Honorable Committee Members,

My name is Alan S. Ogawa, the current President of International Association of Rehabilitation Professionals-Hawaii Chapter. I have practiced as a rehabilitation counselor in Hawaii for the past 30 plus years.

"Our mission in regard to the rehabilitation of injured workers is to provide services that will help them return to suitable gainful employment and be a contributing member of their community."

We "Do Not" Support HB 2493. HB 2493 will create further hardship for the injured worker's quest in becoming a productive and contributing member of our community.

"The purposes of vocational rehabilitation (386-25) are to restore an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost effective manner."

We are opposed to the timeframes and the changes to the current Hawaii statutes.

(Page 5-6, e1-3) The injured workers of Hawaii come from a very diverse range of occupations where annual income can range from \$16,000 to more than \$60,000 plus. Their injuries and disabilities range in severity where timeframes for medical testing, recovery, adjustment to the disability and functional capacity evaluation will vary. A catastrophic injury or psychiatric impairment suffered by a worker will need time to heal and participation in vocational rehabilitation is needed to assist them in resolving them.

A worker who has been left a quadriplegic or paraplegic, a worker with a psychiatric disability who faced a life threatening situation of being held up at gun point and an injured worker who has had multiple levels lumbar back fusion will take longer to adjust to their disability. Each individual's adjustment to disability will vary in duration. In the process of adjustment to disability the injured workers may need to deal with the stages of shock, denial, acceptance and accommodation. This process may take more than 30 days. We must take into account that every disability is different, every injured worker is different and adjustment to disability will vary in time based on the severity.

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Regarding the time limit on obtaining a functional capacity evaluation which is prescribed by the treating physician can take longer than 30 days. The VR counselor has limited control of this and collaborates with the physician to obtain a prescription as the physician determines the appropriateness.

Often times the Insurance Company denies medical treatment or takes a prolonged period of time to approve treatment such as physical therapy and work hardening. This hampers the ability for the injured worker to return to their usual and customary position as soon as possible and will increase cost for the Insurance Company. Injured workers want to return to a job they know the best and will earn the same good wage rather than look for a new occupation.

Limiting a plan to one extension of 45 days (Page 6 3A) There are incidents where the injured worker is attending a community college or university and a required class or more may be filled or not available for the semester, an extension will be requested for an additional 120 days of training to complete the school program and therefore accomplishing the vocational rehabilitation plan goals. Limiting a plan to one extension of 45 days will stop the injured worker from potentially reach their goal and completing their vocational rehabilitation plan. We want to help the injured worker reach their goal and not hinder them.

An employee with an approved plan who is determined as able to return to usual and customary employment should be able complete the plan unless the employer of record returns the worker to the usual and customary job. Cutting an injured workers plan, not allowing the individual to complete their training and initiating direct placement will not in most cases not return the injure worker to suitable gainful employment. (page 10 item k)

The purpose of vocational rehabilitation is to help injured workers become productive, contributing members of our community. We do not want injured workers to rely on public assistance(Social Security plus Welfare) and increase the burden on the Taxpayers of Hawaii.

Thank you for allowing me to provide testimony to your committee.

Sincerely



Alan S. Ogawa, M. Ed. CRC, LMHC
President, IARPS
808-523-7755

HOUSE 2493


LATE

Testimony: ~~State~~
Labor Committee

HOUSE 2493

We "Do Not" Support ~~SB 2003~~. ~~SB 2003~~ will create further hardship for the injured worker and hurt the injured worker's quest in becoming a productive and contributing member of our community.

Please do not allow this bill to pass. Thank you very much.

Name	Address	Telephone	Signature
1 Coralia Muntal	1088 Bishop St #511 Honolulu 96813	221-4115	
2 GARY NATA	P.O. BOX 1021 NAIWA, HI. 96796	2252256	
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February 2, 2010

House
Senate

LATE

The Twenty-Fifth Legislature

Testimony NOT in support of ~~SB 2608~~ **HB 2493**

We, signed Below, **Do not support ~~SB 2608~~** as this would hurt the injured Workers Program rather than assist Them toward productivity. Please do not allow this bill to pass. Thank you very much.

Name	Address	Telephone No.	Signature
LESLIE ANN LARONAL	89-136 KAWAHO AVE. WAIKANA'E HI 96792 146-A HAWOLA AVE.	222-0271	Leslie Ann Laronal
CURTIS YONEDA	WAHIAWA, HAWAII 96786 91-046 Parish DR. Eva Beach	754-1293	Curtis H. Yoneda
Martin Olvera Jr	HI, 96706	(219) 808-2498	Martin Olvera
PAUL SEVRUK	775 KINALAH PL #1201 HONOLULU HI 96813	(708) 505-3847	Paul Sevruk
Peggy Mc Carthy	1129 Alowai Way Hon, HI 96825	270 8143	P. A.
W. Marjorie			W. Marjorie
GERRY TAVARES	1579 Nuuanu Ave UNIT 134 Hon, HI 96817		Gerry Tavares
Kay Ray	2570 Kekuanoni St Honolulu, HI 96813		Kay Ray
WAIWAI MUKAIDA	888 Mililani St. PH2 H/IT		Waiwai Mukaida
Penny's Chang	735 Bishop St. #320		Penny's Chang
Leona Teixeira	2023 A Colburn St. 96819		Leona C. Teixeira
IMELDA V. SAUSAL	94-791 KAAKA ST. WAIPAHU HI 96797		Imelda Sausal
Steve Birnbaum	46-159 Meheanu Lp #3227 Kaneohe		Steve Birnbaum
Scott Mc Caffrey, MD	2029 St Louis Dr. Hanalei		Scott Mc Caffrey
Douglas Moore	1188 Bishop #401, Hon. 96813		Douglas Moore
STANFORD NASCII	520 ALAKOJA 7-400 Hon 96813		Stanford Nascii
Stanley Gawe	1834 Nuanuan Ave #205 Hon. HI 96817		Stanley Gawe

CALVIN CHOI 96102 PAKUA PL EWA 96706 Calvin Ch

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Joanne Kealoha 451 Atkinson Drive Honolulu, HI 96814

DERRICK ISHIHARA 1212 NUUANU AVE #1505 HON HI 96817

Lena Tadaki-Kam 822 Irokaia Pl Hm 96817 Lena Tadaki-Kam

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February 2, 2010

House

~~SENATE~~

The Twenty-fifth Legislature

HB 2493

Testimony ~~NOT IN SUPPORT OF SB 2608~~

WE, SIGNED BELOW DO NOT SUPPORT SB 2608 AS THIS WOULD HURT THE INJURED WORKERS PROGRAM RATHER THAN ASSIST THEM TOWARD PRODUCTIVITY. PLEASE DO NOT ALLOW THIS BILL TO PASS. THANK YOU VERY MUCH.

NAME

ADDRESS

TELEPHONE NO.

Gilbert Visconde	91-1104 Hanalea St. Ewa Beach Hi. 96706	# 741-1338
GREGG VAN CAMP	3731 KANAIWA AVE HONOLULU, HI 96815	808-734-7939
Duke M. Jinnawan	43 Ihoiho Pl. Wahiawa, HI 96786	808-271-1790
Lily Miyahira	3191 Aloha Aina Pl. Hon 96817	398-9460

February 2, 2010

House
Senate

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The Twenty-Fifth Legislature

HB 2493

Testimony **NOT** in support of ~~SB 2608~~

HB 2493

We, signed Below, **Do not support** ~~SB 2608~~ as this would **hurt** the **injured Workers Program** rather than assist Them toward productivity. Please **do not allow** this **bill to pass**. Thank you very much.

Name

Address

Telephone No.

Signature

Toby K Fisher

333 Acoma St. #408

(808) 499-8189



February 2, 2010

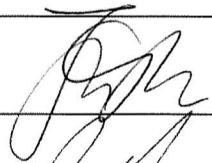
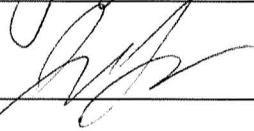
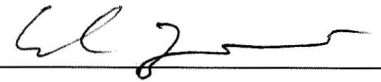
HOUSE
HB 2493
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The Twenty-Fifth Legislature

Testimony **NOT** in support of HB 2493

We, signed Below, **Do not support HB 2493** as this would hurt the injured Workers Program rather than assist Them toward productivity. Please **do not allow this bill to pass**. Thank you very much.

<u>Name</u>	<u>Address</u>	<u>Telephone No.</u>	<u>Signature</u>
Malenas-Barba, Tanyalynn	P.O. Box 970269 Waipahu 96797	680-9162	
Jesse Leikzen	3427 Peahu St Han HI 96812	968-2850	
Myles Mantiguais	2270 PALOCCO AVE Han. HI	96816	225 1417 Myles
Lily Miyahira	3191 Aloha Aina Pl. Han. HI	96817	Lily Miyahira
Leona Tadashi-kum	822 Iroana Pl. Han HI	96817	Leona O Tadashi-kum
Adam Youamira	45-514 Apiki St. Kaneohe HI	96744	203-9564 
Debbie Kawamoto	715 S. Ky St ST	410	Debbie Kawamoto

LATE

Testimony HB 2493

February 5, 2010

Representative Karl Rhoads - Chair, House Labor & Public Employment Committee
Representative Kyle Yamashita - Vice-Chair, House Labor & Public Employment Committee

Honorable Committee Members,

My name is Kirsten Harada and I am a member of the International Association of Rehabilitation Professionals-Hawaii Chapter. I have been a counselor providing vocational rehabilitation services for the past 17 years. I am writing because **I don't support HB 2493**. I feel that it will adversely affect the rehabilitation process and rights afforded to injured workers whereby it will hinder their efforts in returning back to suitable and gainful work where they can become productive members of their community.

If an employee has no permanent disability but suffers from permanent work restrictions, their skills and limits should be assessed to determine whether their earnings can be restored as closely as possible to that level in which they were earning at the time of injury. In some cases returning to a direct placement position does not meet that requirement and in those cases injured workers should be afforded the ability to pursue training if appropriate, in a timely and cost effective manner.

There is also concern related to the limiting of timeframes. Each injured worker that refers for vocational rehabilitation services comes with varying ranges of severity of disability. To say that a person with an amputation should be given the same 30 days to adjust to their disability as say a mild strain is not realistic. The more severe an injury the longer the timeframe to heal and adjust as there is more treatment, testing, and need to acclimate to what that person can no longer do. This would include in a lot of cases coming to terms with their inability to no longer work in a job that they have been with for most of their career. Thus preparing a plan within a 90 day period with no more than one 45 day extension should not be supported as each individual should be treated on a case by case basis based on their individual circumstances.

If these timeframes are being proposed to cut costs it should also be noted that in 2008, case statistics provided by the Department of Labor indicates that a total of 1019 clients were provided vocational rehabilitation services. The cost of servicing these individuals amounted to \$4,893,345.00 or an average of \$4802.10 per case. This is nominal when one considers that services are getting injured workers back to work and not leaving them to depend on another system where they would be faced with relying on public assistance, further burdening the tax payer.

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I also do not agree with the changes proposed to page 9, sections 11 through 17. I feel that the director should be able to continue to approve plans if it is in the "best interest" of the employee and will provide "reasonable assurance that the employee will be placed in suitable and gainful employment." I feel that the changes made will take away the director's ability to approve plans that don't fit into the proposed criteria. I also don't agree with a plan "default [ing] to direct placement not more than 60 days", if the client is in an approved plan and has been determined to be able to return back to usual and customary work. The client has already gone through the process of eliminating return to work at a usual and customary level by the time a plan is developed and is already putting that plan in motion. They should be given the option to choose as they have followed the appropriate process to get to this point and are already focused on learning new skills (if it is a training plan) or returning to a different occupation.

Lastly, I don't agree with discontinuing temporary total disability benefits should an injured worker already be enrolled in vocational rehabilitation services and determined to be able to return back to usual and customary work. As is with the existing law, the injured worker should be entitled to vocational assistance back to their usual and customary work with a follow up period to determine that the position is appropriate and there are no new changes or issues on the job that might impact on their ability to continue working there.

The purpose of vocational rehabilitation is to help injured workers become productive, contributing members of our community and HB 2493 does not support this. I strongly encourage you to reject this bill. Thank you for the opportunity to address this committee in regard to HB 2493.

Sincerely

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