
A BILL FOR AN ACT

RELATING TO PERSONAL INJURY INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431:10C-308.5, Hawaii Revised Statutes,
2 is amended by amending subsection (b) to read as follows:
3 "(b) The charges and frequency of treatment for services
4 specified in section 431:10C-103.5(a), except for emergency
5 services provided within seventy-two hours following a motor
6 vehicle accident resulting in injury, shall not exceed the
7 charges and frequency of treatment permissible under the
8 workers' compensation supplemental medical fee schedule.
9 Charges for independent medical examinations, including record
10 reviews, physical examinations, history taking, and reports, to
11 be conducted by a licensed Hawaii provider unless the insured
12 consents to an out-of-state provider, shall not exceed the
13 charges permissible under the appropriate codes in the workers'
14 compensation supplemental medical fee schedule. The workers'
15 compensation supplemental medical fee schedule shall not apply
16 to independent medical examinations conducted by out-of-state
17 providers if the charges for the examination are reasonable.
18 The independent medical examiner or record reviewer shall be



1 selected by mutual agreement between the insurer and claimant;
2 provided that if no agreement is reached, the selection may be
3 submitted to the commissioner, arbitration, or the circuit
4 court. The independent medical examiner or record reviewer
5 shall be of the same specialty as the provider whose treatment
6 is being reviewed, unless otherwise agreed by the insurer and
7 claimant. All records and charges relating to an independent
8 medical examination or record review shall be made available to
9 the claimant upon request. The commissioner may adopt
10 administrative rules relating to fees or frequency of treatment
11 for injuries covered by personal injury protection benefits. If
12 adopted, these administrative rules shall prevail to the extent
13 that they are inconsistent with the workers' compensation
14 supplemental medical fee schedule."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY: 
JAN 24 2011



Report Title:

Personal Injury Insurance; Record Review

Description:

Clarifies the process when an independent record reviewer is used, and adds that all records and charges incurred in an independent record review shall be made available to the claimant upon request.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

