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# A BILL FOR AN ACT

RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS.

**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 shall be selected by mutual



1 agreement between the insurer and claimant; provided that if no  
2 agreement is reached, the selection may be submitted to the  
3 commissioner, for arbitration, or to the circuit court. The  
4 independent medical examiner shall be of the same specialty as  
5 the treating or prescribing provider whose treatment is being  
6 reviewed, unless otherwise agreed by the insurer and claimant.  
7 The record reviewer shall have sufficient professional training,  
8 credentials, and experience in treating the type of injury at  
9 issue to competently evaluate the specific treatment that is the  
10 subject of the record review. All records and charges relating  
11 to an independent medical examination and the record review  
12 shall be made available to the claimant upon request. The  
13 commissioner may adopt administrative rules pursuant to chapter  
14 91 relating to fees or frequency of treatment for injuries  
15 covered by personal injury protection benefits [~~— If adopted,~~  
16 ~~these~~]; provided that any administrative rules adopted by the  
17 commissioner shall prevail to the extent that they are  
18 inconsistent with the workers' compensation supplemental medical  
19 fee schedule."

20 SECTION 2. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

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

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**Report Title:**

Motor Vehicle Insurance; Record Reviewer

**Description:**

Requires a record reviewer for medical treatment provided for an injury covered by a motor vehicle insurance policy to possess sufficient specialized knowledge to assess the specific treatment at issue; makes the record review available upon request. (SD1)

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

