
A BILL FOR AN ACT

RELATING TO MEDICAL AND REHABILITATION BENEFITS.

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

1 SECTION 1. Section 386-21, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Whenever medical care is needed, the injured employee
4 may select any physician or surgeon who is practicing on the
5 island where the injury was incurred to render medical care.
6 The physician or surgeon may conduct diagnostic testing or
7 engage in a one-time consultation for subspecialty diagnostic
8 evaluation and treatment recommendations from a board-certified
9 or licensed specialist, and the request for or provision of the
10 diagnostic services shall not be subject to contest by an
11 insurer or employer; provided that the one-time consultation may
12 be made regardless of whether the board-certified or licensed
13 specialist is on the staff of or affiliated with a medical
14 facility in which the physician has a financial interest. If
15 the services of a specialist are indicated, the employee may
16 select any physician or surgeon practicing in the State. The
17 director may authorize the selection of a specialist practicing
18 outside the State where no comparable medical attendance within



1 State is available. Upon procuring the services of a physician
2 or surgeon, the injured employee shall give proper notice of the
3 employee's selection to the employer within a reasonable time
4 after the beginning of the treatment. If for any reason during
5 the period when medical care is needed, the employee wishes to
6 change to another physician or surgeon, the employee may do so
7 in accordance with rules prescribed by the director. If the
8 employee is unable to select a physician or surgeon and the
9 emergency nature of the injury requires immediate medical
10 attendance, or if the employee does not desire to select a
11 physician or surgeon and so advises the employer, the employer
12 shall select the physician or surgeon. The selection, however,
13 shall not deprive the employee of the employee's right of
14 subsequently selecting a physician or surgeon for continuance of
15 needed medical care."

16 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

Kal Rhoads

JAN 21 2011



Report Title:

Workers' Compensation; Medical and Rehabilitation Benefits

Description:

Clarifies that an injured employee's physician or surgeon may conduct diagnostic testing or engage in a one-time consultation for subspecialty diagnostic evaluation and treatment recommendations from a board-certified or licensed specialist.

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