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# 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 make  
7 no more than one referral to a board-certified or licensed  
8 specialist for one subspecialty consultation for diagnostic  
9 evaluation and treatment recommendations. The request for or  
10 provision of the diagnostic evaluation and treatment  
11 recommendations shall not be subject to contest by an insurer or  
12 employer; provided that the one-time consultation may be made  
13 regardless of whether the board-certified or licensed specialist  
14 is on the staff of or affiliated with a medical facility in  
15 which the physician has a financial interest. If the physician  
16 or surgeon makes the one-time referral allowed under this  
17 section to a board-certified or licensed specialist for a  
18 subspecialty consultation, the physician or surgeon shall notify



1 the department and employer. If the services of a specialist  
2 are indicated, the employee may select any physician or surgeon  
3 practicing in the State. The director may authorize the  
4 selection of a specialist practicing outside the State where no  
5 comparable medical attendance within the State is available.  
6 Upon procuring the services of a physician or surgeon, the  
7 injured employee shall give proper notice of the employee's  
8 selection to the employer within a reasonable time after the  
9 beginning of the treatment. If for any reason during the period  
10 when medical care is needed, the employee wishes to change to  
11 another physician or surgeon, the employee may do so in  
12 accordance with rules prescribed by the director. If the  
13 employee is unable to select a physician or surgeon and the  
14 emergency nature of the injury requires immediate medical  
15 attendance, or if the employee does not desire to select a  
16 physician or surgeon and so advises the employer, the employer  
17 shall select the physician or surgeon. The selection, however,  
18 shall not deprive the employee of the employee's right of  
19 subsequently selecting a physician or surgeon for continuance of  
20 needed medical care."

21 SECTION 2. New statutory material is underscored.

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



**Report Title:**

Workers' Compensation; Medical and Rehabilitation Benefits

**Description:**

Allows an injured employee's physician or surgeon to conduct diagnostic testing or make a total of one referral to a board-certified or licensed specialist for one subspecialty consultation for diagnostic evaluation and treatment recommendations. (HB463 HD1)

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

