

JAN 21 2011

S.B. NO. 963

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A to be
3 appropriately designated and to read as follows:

4 "§431:10A- Consolidating claims for work-related
5 injuries and motor vehicle related injuries. (a) If an insured
6 makes a claim under an accident and health or sickness insurance
7 contract, pursuant to chapter 431, article 10A, the insured
8 shall be eligible for coverage, regardless of whether the
9 accident or injury occurred as a result of an automobile
10 accident or while the insured was at work.

11 (b) If an insured makes a claim pursuant to an accident
12 and health or sickness insurance contract or plan for an
13 accident or injury that occurred at the insured's place of
14 employment, that shall not prevent a health insurance provider
15 from seeking reimbursement from an appropriate workers'
16 compensation plan.

17 (c) If an insured makes a claim pursuant to an accident
18 and health or sickness insurance contract or plan for an



1 accident or injury that occurred as the result of an automobile
2 accident, that shall not prevent a health insurance provider
3 from seeking reimbursement from the insured's automobile
4 insurance company."

5 SECTION 2. Section 386-26, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§386-26 Guidelines on frequency of treatment and
8 reasonable utilization of health care and services. The
9 director shall issue guidelines for the frequency of treatment
10 and for reasonable utilization of medical care and services by
11 health care providers that are considered necessary and
12 appropriate under this chapter[-]; provided that the waiting
13 period to utilize medical care or services for patients subject
14 to this section shall be no more than _____ days. The
15 guidelines shall not be considered as an authoritative
16 prescription for health care, nor shall they preclude any health
17 care provider from drawing upon the health care provider's
18 medical judgment and expertise in determining the most
19 appropriate care.

20 The guidelines shall be adopted pursuant to chapter 91 and
21 shall not interfere with the injured employee's rights to
22 exercise free choice of physicians under section 386-21.



1 In addition, the director shall adopt updated medical fee
2 schedules referred to in section 386-21, and where deemed
3 appropriate, shall establish separate fee schedules for services
4 of health care providers as defined in section 386-1 to become
5 effective no later than June 30, 1986, in accordance with
6 chapter 91."

7 SECTION 3. Section 431:10A-101, Hawaii Revised Statutes,
8 is amended to read as follows:

9 "**§431:10A-101 Applications and exceptions.** This part
10 shall apply to all policies of accident and health or sickness
11 insurance delivered or issued for delivery in this State, except
12 that nothing in this part shall apply to or affect:

13 (1) Any policy of workers' compensation insurance or any
14 policy of vehicle or liability insurance with or
15 without supplementary coverage therein[+], except as
16 provided in section 431:10A- ;

17 (2) Any policy or contract of reinsurance;

18 (3) Any blanket or group policy of insurance; or

19 (4) Life insurance, endowment, or annuity contracts, or
20 contracts supplemental thereto which contain only such
21 provisions relating to accident and health or sickness
22 insurance as:



- 1 (A) Provide additional benefits in case of death,
- 2 dismemberment, or loss of sight by accident; or
- 3 (B) Operate to safeguard such contracts against
- 4 lapse, or to give a special surrender value,
- 5 special benefit, or an annuity in the event that
- 6 the insured or annuitant shall become totally and
- 7 permanently disabled, as defined by the contract
- 8 or supplemental contract."

9 SECTION 4. Section 431:10C-308.5, Hawaii Revised Statutes,
10 is amended by amending subsection (b) to read as follows:

11 "(b) The charges and frequency of treatment for services
12 specified in section 431:10C-103.5(a), except for emergency
13 services provided within seventy-two hours following a motor
14 vehicle accident resulting in injury, shall not exceed the
15 charges and frequency of treatment permissible under the
16 workers' compensation supplemental medical fee schedule.
17 Notwithstanding any law to the contrary, the waiting period for
18 treatment for patients subject to this section shall be no more
19 than _____ days. Charges for independent medical examinations,
20 including record reviews, physical examinations, history taking,
21 and reports, to be conducted by a licensed Hawaii provider
22 unless the insured consents to an out-of-state provider, shall



1 not exceed the charges permissible under the appropriate codes
2 in the workers' compensation supplemental medical fee schedule.
3 The workers' compensation supplemental medical fee schedule
4 shall not apply to independent medical examinations conducted by
5 out-of-state providers if the charges for the examination are
6 reasonable. The independent medical examiner shall be selected
7 by mutual agreement between the insurer and claimant; provided
8 that if no agreement is reached, the selection may be submitted
9 to the commissioner, arbitration or circuit court. The
10 independent medical examiner shall be of the same specialty as
11 the provider whose treatment is being reviewed, unless otherwise
12 agreed by the insurer and claimant. All records and charges
13 relating to an independent medical examination shall be made
14 available to the claimant upon request. The commissioner may
15 adopt administrative rules relating to fees or frequency of
16 treatment for injuries covered by personal injury protection
17 benefits. If adopted, these administrative rules shall prevail
18 to the extent that they are inconsistent with the workers'
19 compensation supplemental medical fee schedule."

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: Sharonne Chun Cahland

David F. ...



Report Title:

Workers' Compensation; Motor Vehicle Insurance; Accident and Health or Sickness Insurance

Description:

Allows an injured person to submit a claim for injuries suffered at work or in a motor vehicle accident through the injured person's accident and health or sickness insurance contract. Limits the waiting period for the receipt of treatment or medical care or services under workers' compensation or for an insured under motor vehicle insurance.

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

