

STAND. COM. REP. NO.

228

Honolulu, Hawaii

Feb 11, 2011

RE: H.B. No. 466

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 466 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this bill is to require independent medical examinations and permanent impairment rating examinations for workers' compensation claims to be performed by physicians mutually agreed upon by employers and employees or appointed by the Director of the Department of Labor and Industrial Relations.

The ILWU Local 142; Hawaii Injured Worker's Alliance; International Association of Rehabilitation Professionals-Hawaii Chapter; the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; the Hawaii State AFL-CIO; the Hawaii Chapter-American Physical Therapy Association; and numerous concerned individuals supported this bill. The Department of Labor and Industrial Relations (DLIR) supported the intent of this measure. The City and County of Honolulu; Hawaiian Electric Co., Inc.; Maui Electric Company, LTD; Hawaii Electric Light Company, Inc.; the Property Casualty Insurers Association of America; Hawaii Insurers Council; The Chamber of Commerce of Hawaii; and the General Contractors Association of Hawaii opposed this measure. Several concerned individuals provided comments.

HB466 HD1 HSCR LAB HMS 2011-2012



Your Committee has amended this measure by:

- (1) Amending the definition of "medical stability" to make it consistent with the current definition in the Hawaii Administrative Rules;
- (2) Expanding the situations in which the right to claim compensation can be suspended based on an employee's refusal to submit to examination, by including any refusal, not just unreasonable refusals;
- (3) Providing \$194,000 funding for three workers' compensation hearing officer positions and two office assistant positions in DLIR; and
- (4) Changing the effective date of the appropriation section to July 1, 2011, to reflect the fiscal year appropriation.

Your Committee finds that this measure will greatly improve the fairness of the workers compensation system and provide better quality care for those workers hurt on the job.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 466, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 466, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 466	Committee Referral: LAB, CPC, FIN	Date: 2-8-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. SAIKI, Scott K.				/
9. SOUKI, Joseph M.	/			
10. TAKUMI, Roy M.	/			
11. FONTAINE, George R.		/		
12. JOHANSON, Aaron Ling		/		
TOTAL (12)	9	2	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				