

STAND. COM. REP. NO. 1032

Honolulu, Hawaii

March 22, 2011

RE: S.B. No. 1190  
S.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 Transportation, to which was referred S.B. No. 1190, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS,"

begs leave to report as follows:

The purpose of this bill is to protect persons injured in an automobile related incident by requiring that:

- (1) A reviewer of records of medical treatment for personal injury covered by a motor vehicle insurance policy possess sufficient professional training, credentials, and experience in treating the type of injury at issue to competently evaluate the specific treatment that is the subject of the record review; and
- (2) Documentation of the record review be made available to the injured person upon request.

The Hawaii Association for Justice testified in support of this bill. The Hawaii Chapter American Physical Therapy Association opposed this measure. The Insurance Commissioner of the Department of Commerce and Consumer Affairs provided comments.

SB1190 SD1 HSCR TRN HMS 2011-3099



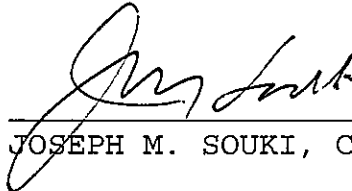
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Current motor vehicle laws in Hawaii allow insurance companies to ascertain whether medical treatment for individuals injured in motor vehicle incidents is appropriate and reasonable by requiring these individuals to submit to independent medical examinations conducted by mutually agreed upon physicians of the same specialty as the treating physician. However, sometimes motor vehicle insurers substitute record reviews for independent medical examinations in verifying the appropriateness of medical care provided for injuries covered by a motor vehicle insurance policy. This has raised concerns of impartiality and accuracy as record reviewers do not actually examine a patient but merely a patient's medical record and thus are not subject to the statutory requirements that cover independent medical examinations.

Your Committee finds that an accurate review and assessment of a medical record depends on sufficient knowledge of the reviewer, particularly knowledge of treatment protocols for services provided by a medical specialist. This measure provides this safeguard by requiring that a records reviewer possess sufficient clinical and practical expertise to accurately evaluate the medical treatment provided to an injured individual.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1190, S.D. 1, and recommends that it pass Second Reading and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,



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JOSEPH M. SOUKI, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1032

Record of Votes of the Committee on Transportation

Bill/Resolution No.: <b>SB 1190, SD1</b>	Committee Referral: <b>TRN, CPC/JUD</b>	Date: <b>3/16/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia				✓
7. SAIKI, Scott K.	/			
8. TAKUMI, Roy M.	/			
9. YAMASHITA, Kyle T.	/			
10. FONTAINE, George R.		/		
11. JOHANSON, Aaron Ling		/		
TOTAL (11)	8	2		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted         If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>Linda Ichiyama</u>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				