

Honolulu, Hawaii

FEB 16 2012

RE: H.B. No. 466
H.D. 3
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Health and Judiciary and Labor, to which was referred H.B. No. 466, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that independent medical examinations and permanent impairment rating examinations for workers' compensation claims be performed by physicians mutually agreed upon by employers and employees or appointed by the Director of Labor and Industrial Relations; and
- (2) Appropriate funds for the hiring of staff necessary to address workers' compensation claims.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations; Hawaii State AFL-CIO; Hawaii State Chiropractic Association; International Association of Rehabilitation Professionals-Hawaii; Vocational Management Consultants, Inc.; ILWU Local 142; Law Office of David J. Mikonczyk; Hawaii Injured Workers Association, Plumbers and Fitters Union, Local 675; United Public Workers; and twenty individuals. Your Committees received testimony in opposition to this measure from Jack Harter Helicopters, Inc.; Property Casualty Insurers; NFIB Hawaii; Securitas Security USA; John Mullen & Co., Inc.; Society for Human Resource Management -



Hawaii Chapter; Retail Merchants of Hawaii; Hawaii Insurers Council; Hawaii Employers' Mutual Insurance Company, Inc.; Building Industry Association of Hawaii; Hawaii Bankers Association; Independent Living of Hawaii, Inc.; North Shore Farms, LLC; and sixteen individuals. Your Committees received comments on this measure from the Department of Human Resources Development and the National Council on Compensation Insurance, Inc.

Your Committees find that it is in the best interest of the State and its residents to improve the fairness of the workers' compensation system and the care provided to workers who are injured on the job.

Your Committees have amended this measure by:

- (1) Requiring that the physician chosen by the Director of Health shall be paid for by the employer;
- (2) Requiring any physician mutually selected by the employer and employee or appointed by the Director of Health to examine the employee within forty-five, rather than thirty, calendar days or as soon as practicably possible;
- (3) Allowing for more than one employer-requested independent medical examination and one permanent impairment rating examination in cases where major surgery and elective surgery, or either, is contemplated;
- (4) Subject to the approval of the Director of Health, allowing an out-of-state licensed physician to be utilized for an out-of-state claimant or if there is no Hawaii-licensed physician in a relevant medical specialty, and a physician who resides outside the state of residence of an out-of-state claimant to be utilized if there is no physician available in a relevant medical specialty in the out-of-state claimant's state of residence;
- (5) Changing the effective date to October 1, 2012, except for section 3, which shall take effect on July 1, 2012, and changing the repeal date of the Act to June 30, 2017; and




- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 466, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 466, H.D. 3, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Health and
Judiciary and Labor,



CLAYTON HEE, Chair



JOSH GREEN, M.D., Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 466 HD3</i>	<i>HTH/JDL, WAM</i>	<i>2/13/12</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)				✓
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile	✓			
WAKAI, Glenn				✓
SLOM, Sam			✓	
TOTAL	4	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Suzanne Chun Oakland</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 466e, HD 3	HTH/JDL, WAM	2/13/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes