



American  
Chiropractic  
Association

**LATE**

*Governor, District 7 (HI, CA & NV, Guam, American Samoa & Commonwealth of Northern Mariana Islands)*

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To: Sen. Josh Green, M.D., Chair  
Sen. Clarence K. Nishihara, Vice Chair  
COMMITTEE ON HEALTH

Sen. Clayton Hee, Chair  
Sen. Maile S.L. Shimabukuro, Vice Chair  
COMMITTEE ON JUDICIARY AND LABOR

From: Joseph G. Morelli, Jr., D.C., F.I.C.C., District VII Governor,  
American Chiropractic Association

Date: Friday, February 13, 2012

Time: 10:45 am

Place: Conference Room 229

Subject: Testimony **WITH CONCERN** RE: **HB 466 HD3**

My name is Dr. Joseph G. Morelli, Jr., and I am a Doctor of Chiropractic in Hawaii, practicing here for the past 34 years. I currently hold the elected office as the District 7 Governor on the Board of Governors of the American Chiropractic Association. I represent the local Hawaii Doctors of Chiropractic and also represent all the Doctors of Chiropractic in California, Nevada, Guam, American Samoa and the Mariana Islands. The American Chiropractic Association is the largest Chiropractic professional representative organization in the world. I give this as testimony to voice our strong **CONCERN** to some of the content of **HB 466 HD3**.

As the former Chair of the Workers' Compensation Committee of the American Chiropractic Association, I have had the opportunity to review the workers' compensation state statutes and regulation across the country. I have followed the legislative trends throughout the nation. I believe the underlying intent of **HB 466 HD3** appears to be generally positive towards the injured worker and the employer, allowing for a streamlining of some of our system.

However, we have great **CONCERN** regarding the new language that alters the definition of Physician who performs the IME or Permanent Impairment Rating examinations. The new language, whether intentional or not, specifically provides that the examiner "shall be currently licensed pursuant to chapter 453". This language specifically restricts the performance of these examinations by MD/DO licensed providers only. We are specifically opposed to limiting this ability to only MD/DO providers, as it is discriminatory against the injured worker who may have chosen a treating physician provider of a different health care discipline.

The current language allows for in HRS Chapter 386-1 Definitions the named treating physicians as follows:

- (1) Medicine or osteopathy under chapter 453;
- (2) Dentistry under chapter 448;
- (3) Chiropractic under chapter 442;
- (4) Naturopathic medicine under chapter 455;
- (5) Optometry under chapter 459;
- (6) Podiatry under chapter 463E; and
- (7) Psychology under chapter 465.”

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Since many on the job injuries require specialties specific to the nature and treatment of the condition presented, we find it unacceptable and counterproductive to exclude all the expertise of the specialties that are actually providing care and supervising the case.

This puts the injured worker at a significant disadvantage regarding the future disposition of his care plan, possibly reducing the maximal improvement that can be expected to be achieved.

I find it hard to conceive that only the MD/DO examiner can provide the required necessary expertise and understanding of the nature of the condition and treatment nuances of the other physician specialties attending to the care of the patient.

Therefore we request that the language of the bill to be **AMMENDED** to provide for all the listed attending physician providers currently listed in HRS Chapter 386-1 Definitions.

Please pass **HB 466 HD3** from your committee with the noted amendment for the sake of the Hawaii injured workers, helping to insure that the independent examinations/ratings are fair with the upmost consideration of the injured worker and his future welfare.