

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES

COMMITTEE ON FINANCE

LATE TESTIMONY

Monday, February 25, 2013
11:00 a.m.

HB 437,HD1
RELATING TO WORKERS' COMPENSATION

By Marleen Silva
Director, Workers' Compensation
Hawaiian Electric Company, Inc.

Chair Luke, Vice Chair Nishimoto, Vice Chair, Johanson, and Members of the Committee:

Hawaiian Electric Co. Inc., its subsidiaries, Maui Electric Company, LTD., and Hawaii Electric Light Company, Inc. **strongly oppose H.B. 437, HD1.** Our companies represent over 2,000 employees throughout the State.

This bill mandates that independent medical examinations (IME's) 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 the DLIR if unable to come to an agreement.

Under the current statutes, employees select their own treating physician. Independent medical examinations are a tool which gives employers the ability to seek an expert medical opinion, at their expense, when the compensability of a claim (statutory presumption), excessive treatment, or reasonableness of a proposed surgical procedure is in question. Safeguards are also in place to allow injured employees full disclosure of an employer's IME report, and the right to seek their own medical opinion if they disagree. A majority of IME's are conducted under the current statutes without incident or dispute today.

While we appreciate the intent, we cannot support a bill that takes away an employer's fundamental right in the discovery process to select their own expert medical opinion when the need arises, which is by current statute, at our expense.

Regarding permanent impairment rating evaluations, these are currently performed by mutual agreement between parties since there are a limited number of physicians who are qualified to perform these types of evaluations, without the need for mandate by legislation.

For these reasons, we strongly oppose H.B. 437, HD1 and respectfully request this measure be held.

Thank you for this opportunity to submit testimony.