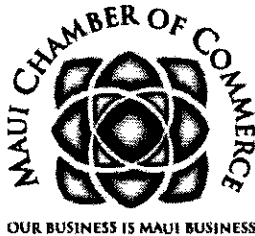


HB 437 LATE LATE



LATE TESTIMONY
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Testimony to the Labor Committee
State Capitol, Conf. Room 309 at 9am
January 29, 2013

RE: OPPOSING TO HB 437 TO CHANGE THE WORKERS' COMPENSATION SYSTEM

The Maui Chamber of Commerce on behalf of our membership opposes this measure relating to Workers' Compensation: independent medical examinations (IMEs).

Close to 90% of our members are small businesses with 25 or fewer employees. We do business in Maui, not Wall Street. Due to the recession and slow recovery, many are operating with far less employees than they did before and are struggling to keep up with rising costs. They simply need an environment where they can grow and thrive; not additional unnecessary mandates that will increase the cost of doing business and reduce their rights as this bill seeks to do by:

- Requiring the employer and employee to "mutually agree" on an independent medical examiner (IME). Although the term "mutually agree" appears fair, it is not. It moves away from a more balanced system to one that will hurt employers puts them in a possible dispute position with injured workers.
- Replacing the existing employer requested examinations in work comp claims disputes with a new system for obtaining "IMEs". Under the bill, the claimant employee will have the right to reject the employer's choice of physician to scrutinize the treating physicians chosen course of treatment. If the claimant employee refuses to accept any of the employer's choices then the selection will be made by the Director of the Department of Labor from a list of "qualified physicians" licensed to practice medicine in the state where the claimant employee resides.

The IME process is an essential part of the employer's discovery process to ensure proper treatment and costs, which they and the insurance carrier bear 100% of the cost of. In any enforcement of a claim for compensation, statutory presumption places the burden on employers to present substantial evidence to the contrary. So the independent medical examination serves as an objective and the only tool an employer has to look into statutory presumption, excessive treatment, etc., that again, employers and insurance carriers bear 100% of the cost of.


Changing the process as proposed will:

- Limit an employer's fundamental rights;
- Substantially increase the cost of claims, which will raise the cost of doing business businesses, causing a negative domino affect;
- Turn a generally amicable agreement system into an adversarial one;
- Negatively affect the quality of IMEs which are an important safeguard for employers; and
- Add to the workload and costs of the Department of Labor.

This bill should die now as the impact on Hawaii's businesses has not been adequately weighed. We ask that you oppose this bill today!

Please contact me if I can answer any questions or provide you with additional information to help you better understand what our small businesses are up against and the environment they need to survive.

Sincerely,


Pamela Tumpap
President

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 8:39 AM
To: LABtestimony
Cc: ladylz50@gmail.com
Subject: Submitted testimony for HB437 on Jan 29, 2013 09:00AM

LATE TESTIMONY
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HB437

Submitted on: 1/29/2013

Testimony for LAB on Jan 29, 2013 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Zimmerman	Individual	Oppose	No

Comments: Employer is paying for the treatment through work comp, the employer needs to have the say as to which doctor the employee will be seeing. One that will work with both the employer to get the employee back to work in a timely manner and the employee to assure they are getting the best care available.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE TESTIMONY
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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 9:35 AM
To: LABtestimony
Cc: debbie@mauicloset.com
Subject: Submitted testimony for HB437 on Jan 29, 2013 09:00AM

HB437

Submitted on: 1/29/2013
Testimony for LAB on Jan 29, 2013 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
DEBRA FINKIEWICZ	Individual	Oppose	No

Comments: The cost factor to business for this bill would not allow us to hire additional employees. It will be 3-4 years for small business recovery to really make a difference and adding to our burden at this time will stop growth.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 9:08 AM
To: LABtestimony
Cc: roger.swift@yahoo.com
Subject: *Submitted testimony for HB437 on Jan 29, 2013 09:00AM*

LATE TESTIMONY
LATE TESTIMONY

HB437

Submitted on: 1/29/2013
Testimony for LAB on Jan 29, 2013 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Swift	Totally Hawaiian Gift Gallery	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 9:00 AM
To: LABtestimony
Cc: tedt@halemakua.org
Subject: *Submitted testimony for HB437 on Jan 29, 2013 09:00AM*

LATE TESTIMONY

LATE TESTIMONY

HB437

Submitted on: 1/29/2013

Testimony for LAB on Jan 29, 2013 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Tucker	Hale Makua Health Services	Oppose	No

Comments:

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From: Larry Pang [lpang@alsco.com]
Sent: Tuesday, January 29, 2013 7:11 AM
To: LABtestimony
Subject: In Opposition to HB 437 re Workers' Compensation IME

LATE TESTIMONY
LATE TESTIMONY

Dear Chair Nakashima & Members,

I respectfully ask that you do not pass HB 437.

The bill requires the employer and employee to "mutually agree" on an independent medical examiner (IME). Although the terms "mutually agree" appears fair, it is not. If anything, this bill will take the only tool that the employers have away from them when determining whether the injury is work-related.

In any enforcement of a claim for compensation, statutory presumption places the burden on employers to present substantial evidence to the contrary. So the independent medical examination serves as an objective and only tool for the employer to look into statutory presumption, excessive treatment, etc.

The bill seeks to punish all businesses on the theory that there are some who abuse this right. As a result it creates added burdens to my business. I'm already struggling with many of the expenses and costs to comply with many government imposed mandates and regulations.

Our company does our best to take care of the employees. They are an asset to the company and we make sure to have a healthy and safe work environment. We provide generous benefits and any increase in costs during this time will force me to restructure our benefits system.

Sincerely,

Larry Pang
167 Hanohano Pl
Honolulu, HI 96825

HB 437 FORM LETTERS

LATE LATE TESTIMONY

1	Larry Pang
2	Bernie Coleman
3	Matthew Delaney
4	Wayne Tomita
5	Joaquin Diaz
6	Sean Spencer
7	Jacqueline Watanabe
8	Frederick Perlak
9	Sean Knox
10	Marc Guyot
11	Robert Wilkinson
12	David Bateman
13	Robert Wilkinson
14	Tami Joslin
15	Keoni Maiwela