



# LATE TESTIMONY

NEIL ABERCROMBIE  
GOVERNOR

DWIGHT Y. TAKAMINE  
DIRECTOR

AUDREY HIDANO

DEPUTY DIRECTOR

# LATE TESTIMONY

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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February 1, 2013

To: The Honorable Mark Nakashima, Chair,  
The Honorable Mark Hashem, Vice Chair, and  
Members of the House Committee on Labor

Date: Friday, February 1, 2013  
Time: 8:00 a.m.  
Place: Conference Room 309, State Capitol

From: Dwight Y. Takamine, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. 922 Relating to Medical Benefits  
Under the Workers' Compensation Law**

**I. OVERVIEW OF PROPOSED LEGISLATION**

H.B. 922 amends Section 386-21(c), Hawaii Revised Statutes (HRS), by allowing, rather than requiring, the Director to make a decision on disputes regarding treatment plans and continued medical services without a hearing within thirty days of the filing of a dispute between an employee and the employer or the employer's insurer.

The department strongly supports this Administration measure, as it will allow the director to better meet the thirty-day deadline in issuing treatment plan and medical decisions.

**II. CURRENT LAW**

When a dispute is filed regarding a proposed treatment plan or whether medical services should be continued, the director is required to make a decision within thirty days of the filing of the dispute. Section 386-86, HRS, requires a hearing be held for all decisions issued. Due to the reduction of staff as a result of budget cuts and retirements, it currently takes three to four months to schedule a treatment plan or medical services hearing, notice the parties, conduct the hearing, and render a

decision.

This bill will allow the director to better meet the thirty-day deadline to issue a decision with or without a hearing for treatment plans and discontinuance of medical services decisions.

### **III. COMMENTS ON THE HOUSE BILL**

This measure will allow injured workers, insurance carriers, and employers to receive more prompt decisions as to whether medical services will continue or whether a treatment plan will be approved or denied. This measure will also reduce the number of hearings scheduled, allowing other hearings to be scheduled more quickly.