

Honolulu, Hawaii

MAR 2 1 2013

RE: H.B. No. 436
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 436, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the
duly qualified impartial physician appointed by the Director of
Labor and Industrial Relations to examine an injured employee for
a workers' compensation claim is a physician whose specialty is
appropriate for the injury being examined.

Your Committee received testimony in support of this measure
from the Department of Labor and Industrial Relations; Hawaii
State AFL-CIO; International Longshore and Warehouse Union, Local
142; Plumbers and Fitters Union, Local 675; Work Injury Medical
Association of Hawaii; and Hawaii Medical Association. Testimony
in opposition to this measure was submitted by the Department of
Human Resources, City and County of Honolulu; and Property
Casualty Insurers Association of America. The Department of Human
Resources Development submitted comments on this measure.

Your Committee finds that existing law does not specify that
a physician appointed by the Director of Labor and Industrial
Relations for a workers' compensation claim must be a physician
whose specialty is appropriate for the injury being examined.
This measure provides that a physician knowledgeable in the injury

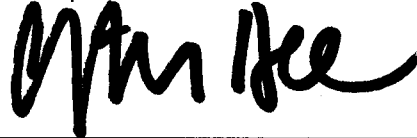


of the claimant will examine the claimant and thereby creates greater efficiencies in the workers' compensation process.

Your Committee has amended this measure by inserting an effective date of July 1, 2013.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 436, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 436, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

| | | | | |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB 436 HD1 | JDL, WAM | 3/12/13 | | |
| <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 S.L. (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| IHARA, Jr., Les | | | | ✓ |
| SLOM, Sam | | ✓ | | |
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| TOTAL | 3 | 1 | 0 | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes