



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
<http://labor.hawaii.gov>

January 31, 2014

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Kyle T. Yamashita, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Friday, January 25, 2012

Time: 9:00 a.m.

Place: Conference Room 309, State Capitol

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

Re: H.B. No. 2400 Relating to Temporary Disability Benefits

I. OVERVIEW OF PROPOSED LEGISLATION

HB 2400 proposes to amend Sections 392-3 and 392-21, Hawaii Revised Statutes (HRS), by including organ donation as compensable disability and providing temporary disability insurance benefits to organ donors.

II. CURRENT LAW

Section 392-3, HRS, defines "disability" to mean total inability of an employee to perform the duties caused by sickness, pregnancy or termination of pregnancy or accident that are not work-related. Therefore, an eligible employee's total disability due to organ transplantation (as a recipient) is covered under the current law.

Section 392-21, HRS, specifies that any eligible employee who suffers total disability resulting from accident, sickness, pregnancy or termination of pregnancy that is not work-related shall be entitled to receive temporary disability insurance benefits. Since the disability covered has not been "elective" in nature, the donor's total inability to work suffered during organ transplantation (as a donor) is not covered under the current law.

III. COMMENTS ON THE HOUSE BILL

Organ transplants involve three tests that are done to evaluate donors. They are blood type, cross match, and HLA (human leukocyte antigen) or tissue typing testing. Each transplant program is required to have criteria for the selection of both

recipients and donors. To find a match between a willing, living donor to save the life of a compatible intended recipient is something that is medically necessary and sometimes difficult due to Hawaii's geographic isolation. Additionally, donors may not be disabled for an extended period during recovery after surgery.

Therefore, the department supports the provision of TDI benefits to organ donors.

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

January 29, 2014

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

For Hearing on Friday, January 31, 2014
9:00 a.m., Conference Room 309

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 2400
Relating to Temporary Disability Benefits

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON MARK NAKASHIMA AND MEMBERS OF THE COMMITTEE:

The purpose of H.B. 2400 is to provide temporary disability benefits to employees who suffer disabilities as a result of donating organs.

The Department of Human Resources Development **supports** this bill, although we believe it may be unnecessary.

DHRD oversees the State of Hawaii's self-insured Temporary Disability Benefits Plans ("TDB Plans") for State executive branch employees. The TDB Plans meet the statutory equivalency provision in Section 392-41, HRS, of the Hawaii Temporary Disability Insurance law and are approved by the Department of Labor.

Our understanding is that disabilities resulting from donating organs would already be covered as a "sickness" under our TDB Plans, provided the disability is properly certified by a physician and all other eligibility requirements are met. However, we would support the express addition of the term "organ donation" as proposed in this bill. DHRD believes that the State should be an employer of choice for career-seeking

individuals and this measure would enhance our reputation as a forward-thinking employer.

Thank you for the opportunity to provide testimony in support of this measure.



H.B. 2400, Relating to Temporary Disabilities Benefits
House Committee on Labor and Public Employment
January 31, 2014, 9:00 am

Thank you for the opportunity to provide testimony in **support** of HB2400, Relating to Temporary Disability Benefits. My name is Dr. Loraine Fleming, Director of Behavioral Health, Transplant, Liver Center, and Medicine with The Queen's Medical Center.

The Queen's Medical Center continues to successfully re-build Hawaii's Transplant Center, as we proudly provide this critical healthcare service to the community. In the two years since the program was re-started at QMC, we have completed a total of 88 transplants. These have included 13 live kidney donations.

It is always breathtaking to imagine what one must emotionally go through when deciding to give an organ to another. The selflessness is simply inspiring. The act of organ donation can be physically challenging, requiring adequate time for recuperation. For those that are employed, this measure would provide relief and support to recovering donors.

We recognize the employer cost that could result from this measure, albeit we respectfully suggest the number of times this requirement might be utilized by an employee would be relatively few and therefore the financial impact minimal.

Thank you for the opportunity to provide testimony on this measure.



January 30, 2014

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Mark M. Nakashima, Chair

Re. Kyle T. Yamashita, Vice Chair

From: Diana Benningfield

Date & Time of Hearing: 9:00 am, Friday, January 31, 2014, Conference Room 309, State Capital, 415 South Beretania Street

Re: Testimony in support of HB 2400 - RELATING TO TEMPORARY DISABILITY BENEFITS

My name is Diana Benningfield. I am a non-directed living kidney donor employed with the National Kidney Foundation of Hawaii. I am passionate about the need for organ donation and especially for the need for living donors. Approximately 90% of all people awaiting a transplant are waiting for kidneys. As a member of the Hawaii Organ Transplant Council, Hawaii Coalition on Donation and the Hawaii Living Donor Council, I see the results a transplant can have in the life of the transplant recipient and in the members of their family. Transplantation does not lead to people merely surviving. Rather, the gift of transplantation results in lives filled with health, gratitude and most often, a meaningful contribution to their communities and families.

I strongly support HB 2400 which amends Section 1., the definition of "disability" in section 392-3, Hawaii Revised Statutes to read ""Disability" meaning total inability of an employee to perform the duties of the employee's employment caused by sickness, pregnancy, termination of pregnancy, organ donation, or accident other than a work injury as defined in section 386-3 and Section II., which also adds organ donation as a disability.

The National Kidney Foundation of Hawaii already has a policy for leave for this purpose and I was fortunate that I never had to address the fear of not receiving a paycheck. With the many considerations a donor must face, it is comforting not to have to think about that issue. As an administrator, I fully understand the need to keep costs in line, but I believe it is imperative to give assistance to someone willing to donate an organ to save someone's life. I cannot tell you how many times someone has called me for information or assistance to help pay their bills while they were out of work after donating an organ to their child, family member or friend. It is heart breaking to have to tell them there is not an avenue to pursue. I know of several transplants that did not take place, because the donor could not afford to take 30 days off for recovery.

I urge the committee to pass HB 2400. It is an important step toward removing another barrier to organ and tissue donation and saving lives in Hawaii.

Thank you for your serious and thoughtful consideration of the bill and submitted testimony. I can be reached at 589-5961 or Diana@kidneyhi.org for additional information or questions.

Sincerely,

Diana Benningfield
Director of Organizational Planning and Operations
National Kidney Foundation of Hawaii

From: Patricia McGhee

>> 3646 Trousseau St

>> Honolulu, HI 96815

>> 808-722-0854

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>> Hearing: 9:00am Friday, January 31, 2014

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>> Subject: Temporary Disability Payment for Organ Donors

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>> Aloha Chair and Committee Members,

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>> I appreciate this opportunity to provide testimony on HB#2400. Please vote YES.

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>> In January 2013 I donated my kidney to a co-worker. I know first hand the burdens an organ donor in Hawaii must bear. The financial burden is difficult and worrisome. I was appalled to learn, after my surgery, that organ donors do not qualify for temporary disability insurance during their recovery time while unable to work. The reason being- organ donation is an elective surgery. While this is indisputable, it is not right to penalize such an altruistic act. People make choices everyday to drink excessively, to smoke, to overeat, to put their health in jeopardy. When these very people, due to the poor health they have created, are unable to work, they collect TDI. Yet an organ donor who is instrumental in restoring to health and returning the recipient back to the work force, receives no assistance.

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>> I urge you to vote YES to allow organ donors to qualify for temporary disability insurance. When finances are the determining factor as to whether a person will donate, knowing that they will receive some financial assistance during their recovery will be reassuring and encouraging.