
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION TREATMENT PLANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's current
2 system for physicians to submit treatment plans in workers'
3 compensation claims is in need of modernization given
4 advancements in technology. The legislature further finds that
5 allowing treatment plans to be faxed and emailed will greatly
6 improve the efficiency of Hawaii's workers' compensation system.

7 The purpose of this Act is to improve the efficiency of
8 Hawaii's workers' compensation system by allowing the
9 transmittal of treatment plans through electronic media.

10 SECTION 2. Chapter 386, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§386- Treatment plans. (a) Notwithstanding any law to
14 the contrary, a physician may transmit a treatment plan to an
15 employer by certified mail or facsimile; provided that an
16 employer may accept a treatment plan transmitted by secure web
17 portal or secure electronic mail.



1 (b) Beginning January 1, 2021, an employer shall allow a
2 physician to transmit a treatment plan to an employer by
3 facsimile, secure web portal, or secure electronic mail.

4 (c) A treatment plan shall be deemed received by an
5 employer when the plan is sent by certified mail or facsimile,
6 or if applicable, secure web portal or secure electronic mail
7 with reasonable evidence, including an automatic electronic
8 receipt, showing that the treatment plan was received.

9 (d) A treatment plan shall be deemed accepted if an
10 employer fails to file with the director by certified mail, or
11 facsimile, or if applicable, secure web portal, or secure
12 electronic mail:

13 (1) An objection to the treatment plan;

14 (2) Any applicable documentary evidence supporting the
15 denial; and

16 (3) A copy of the denied treatment plan,
17 copying the physician and the injured employee, within seven
18 business days after the employer's receipt of the treatment
19 plan.

20 (e) Pursuant to subsection (a), employers shall accept the
21 applicable electronic submissions of treatment plans and provide



1 an automatic electronic receipt upon receipt of the submitted
2 treatment plan.

3 (f) After acceptance of the treatment plan, an employer
4 may file an objection to the plan if new documentary evidence is
5 received contrary to the accepted treatment plan."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Workers' Compensation; Treatment Plans; Electronic Submission

Description:

Allows physicians to submit workers' compensation treatment plans to employers by certified mail or facsimile, or if applicable, secure web portal, or secure electronic mail. Requires employers to accept electronically submitted treatment plans and provide an electronic receipt of the submission.
(HB2017 HD1)

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