

JAN 29 2015

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# A BILL FOR AN ACT

RELATING TO VOCATIONAL REHABILITATION SERVICES.

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

1           SECTION 1. Section 386-25, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3           "(d) A provider shall submit an initial evaluation report  
4 of the employee to the employer and the director within forty-  
5 five days of the date of referral or selection. The evaluation  
6 shall determine whether the employee requires vocational  
7 rehabilitation services to return to suitable gainful  
8 employment, identify the necessary services, and state whether  
9 the provider can provide these services. The initial evaluation  
10 report shall contain:

11           (1) An assessment of the employee's:

12                   (A) Current medical status;

13                   (B) Primary disability;

14                   (C) Secondary disability;

15                   (D) Disabilities that are not related to the work  
16                   injury; and

17                   (E) Physical or psychological limitations or both.



1           If this information is not provided by the treating  
2           physician within a reasonable amount of time,  
3           information from another physician shall be accepted;

4           (2) A job analysis addressing the demands of the  
5           employee's employment;

6           (3) A statement from the provider identifying the  
7           employee's vocational handicaps in relation to the  
8           employee's ability to:

9           (A) Return to usual and customary employment; and

10          (B) Participate in and benefit from a vocational  
11          rehabilitation program;

12          (4) A statement from the provider determining the  
13          feasibility of vocational rehabilitation services,  
14          including:

15          (A) The provider's ability to assist the employee in  
16          the employee's efforts to return to suitable  
17          gainful employment;

18          (B) An outline of specific vocational rehabilitation  
19          services to be provided, justification for the  
20          necessity of services, and how the effectiveness  
21          of these services is measured; and



# S.B. NO. 1290

- 1 (C) How the vocational rehabilitation services
- 2 directly relate to the employee obtaining
- 3 suitable gainful employment; and
- 4 (5) The enrollment form and the statement of worker's
- 5 rights and responsibilities form obtained from the
- 6 department.

7 A provider that fails to file a complete report within the time  
8 limit prescribed by this section shall be subject to section  
9 386-97.5."

10 SECTION 2. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

  
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# S.B. NO. 1290

**Report Title:**

Vocational Rehabilitation Services; Penalties

**Description:**

Clarifies that vocational rehabilitation providers are subject to penalties pursuant to section 386-97.5, HRS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

