

STAND. COM. REP. NO. 3493

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 2017
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2017, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize physicians to submit workers' compensation treatment plans to employers by certified mail or facsimile;
- (2) Beginning January 1, 2021, require employers to authorize physicians to submit workers' compensation treatment plans to employers by certified mail, facsimile, secure web portal, or secure electronic mail; and
- (3) Specify requirements for receipt and acceptance of treatment plans, including requiring an employer to file an objection to the treatment plan, evidence supporting the denial, and a copy of the denied treatment plan within seven business days after receipt.

Your Committee received testimony in support of this measure from the Hawaii Injured Workers Association; American Physical Therapy Association, Hawaii Chapter; and three individuals. Your



Committee received testimony in opposition to this measure from the Department of Human Resources of the City and County of Honolulu. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Department of Human Resources Development, and one individual.

Your Committee finds that the State's existing system, which requires physicians to submit treatment plans in workers' compensation claims, is in need of modernization, given the many advancements in technology. Providing physicians with options, including facsimile, for the transmittal of treatment plans will improve the efficiency and responsiveness of all parties in Hawaii's workers' compensation system.

Your Committee has amended this measure by:

- (1) Replacing "certified mail" with "mail" throughout the measure;
- (2) Deleting all references to "secure web portal", "secure electronic mail", and "electronic mail address" throughout the measure;
- (3) Requiring physicians to send treatment plans to an address or facsimile number provided by, rather than as directed by, the employer;
- (4) Requiring an employer to file by mail or facsimile an objection to the treatment plan, evidence supporting the denial, and a copy of the denied treatment plan within ten business days after receipt, rather than within seven business days of receipt;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2017, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2017, H.D. 1, S.D. 2.



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

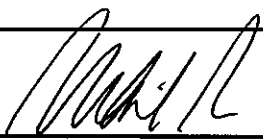


GILBERT S.C. KEITH-ARGAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2017 HDI SDI	Committee Referral: CPH, JDL	Date: 4/11/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.				/
SLOM, Sam				/
TOTAL	4			3
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