

Honolulu, Hawaii

FEB 18 2015

RE: S.B. No. 766

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 766
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:

- (1) Require that a physician selected and paid for by an employer to conduct a medical examination for workers' compensation purposes shall be actively treating at least ten patients in any one-month period, be actively treating at least fifty percent of the physician's total patient load in a one-month period, and possess medical malpractice insurance; and
- (2) Define "actively treating".

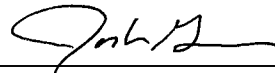
Your Committee received testimony in support of this measure from the International Association of Rehabilitation Professionals; International Longshore and Warehouse Union, Local 142; and three individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu; National Association of Mutual Insurance Companies; Hawaii Insurers Council; Society for Human Resource Management, Hawaii Chapter; and Chamber of Commerce Hawaii. Your Committee received comments on this measure from the Department of Human Resources Development and Department of Labor and Industrial Relations.



Your Committee finds that an independent medical examination conducted by a physician of an employer's choice is the primary tool that is available to an employer to help overcome the statutory presumption that a claim is for a covered work injury, to show that ongoing medical treatment may be unreasonable or unnecessary, and to determine whether a requested medical treatment is reasonable and related to the work injury. Therefore, it is critical to make sure that injured workers are evaluated and treated by competent, actively treating medical professionals.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 766 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JOSH GREEN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 766	Committee Referral: HTH, JDL	Date: 2/10/15		
<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 checked="" 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
GREEN, Josh (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
GABBARD, Mike	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam				✓
TOTAL	6	0	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