

H.B. NO. 1118

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION PHYSICIAN.

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

1 SECTION 1. Section 386-1, Hawaii Revised Statutes, is amended
2 by amending the definition of "physician" to read as follows:

3 "Physician" includes a doctor of medicine, a dentist, a
4 chiropractor, an osteopath, a naturopathic physician, a
5 psychologist, an optometrist, an advanced practice registered
6 nurse, and a podiatrist."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9
10 INTRODUCED BY: _____

11 BY REQUEST

JAN 23 2017

H.B. NO. 1118

Report Title:

Workers' Compensation; Physician

Description:

Amends the definition of "physician" in workers' compensation law to include advanced practice registered nurses.

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JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PHYSICIAN.

PURPOSE: Clarify the expanded role of advanced practice registered nurses (APRN) as primary care providers for injured workers in workers' compensation cases.

MEANS: Amend section 386-1, Hawaii Revised Statutes (HRS), definition of physician.

JUSTIFICATION: Act 183, effective July 1, 2016, added APRNs under chapter 457, HRS, to the definition of "health care provider" allowing their participation as health care providers for the purpose of providing care for the injured worker, among others. However, pursuant to section 12-15-31(c) of the Workers' Compensation Medical Fee Schedule Administrative Rules "[A]ny service performed by a provider of service who is not a physician as defined in section 386-1, HRS, shall be referred by and be under the direction of the attending physician." APRNs are not included in the definition of "physician" in section 386-1, HRS. This amendment will allow APRNs to be responsible for treatment of the injured worker in workers' compensation cases to the fullest extent of their training and education.

The University of Hawaii at Mānoa, John A. Burns - School of Medicine (JABSOM) reported findings from the Hawaii Physician Workforce Assessment Project to the 2015 Legislature, in accordance with Act 18 (Special Session Laws of Hawaii 2009) as amended by Act 186 (Session Laws of Hawaii 2012). The report indicated that there was a shortage of 665 physicians or twenty per cent in Hawaii and that a best-case scenario for future workforce numbers is that by 2020 Hawaii will have a shortage of 800 physicians.

The physician specialties with the greatest shortages are primary care, particularly on the Neighbor Islands, as well as other specialties, many of which are needed by injured workers.

Exacerbating the physician shortage in workers' compensation is the refusal or reluctance of physicians to take injured workers as patients due to the onerous paperwork and litigious nature of the workers' compensation system, which was designed to function in a more informal manner. The shortage of physicians willing to treat injured workers is particularly problematic on the Neighbor Islands, and especially so in remote areas.

The department believes that allowing APRNs to treat injured workers as the physician will help alleviate the shortage of physicians willing to treat injured workers and improve access to health care services, especially on the Neighbor Islands.

Impact on the public: This proposed amendment will increase access to care in finding a health care provider to treat the injured worker's industrial injury.

Impact on the department and other agencies: The proposal, if enacted, will help the department perform its function to assist injured workers and employers in the workers' compensation system.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LBR-183.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.