

JAN 25 2017

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-79, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§386-79 Medical examination by employer's physician.** (a)

4 After an injury and during the period of disability, the
5 employee, whenever ordered by the director of labor and
6 industrial relations, shall submit to examination, at reasonable
7 times and places, by a duly qualified physician or surgeon
8 designated and paid by the employer. The employee shall have
9 the right to have a duly qualified physician [~~or~~], duly
10 qualified surgeon, or chaperone designated and paid by the
11 employee present at the examination, which right, however, shall
12 not be construed to deny to the employer's physician the right
13 to visit the injured employee at all reasonable times and under
14 all reasonable conditions during total disability. The employee
15 shall also have the right to record such examination by a
16 recording device designated and paid for by the employee.



1 If an employee refuses to submit to, or in any way
2 obstructs such examination, the employee's right to claim
3 compensation for the work injury shall be suspended until the
4 refusal or obstruction ceases and no compensation shall be
5 payable for the period during which the refusal or obstruction
6 continues.

7 **(b)** In cases where the employer is dissatisfied with the
8 progress of the case or where major and elective surgery, or
9 either, is contemplated, the employer may appoint a physician or
10 surgeon of the employer's choice who shall examine the injured
11 employee and make a report to the employer. If the employer
12 remains dissatisfied, this report may be forwarded to the
13 director.

14 Employer requested examinations under this section shall
15 not exceed more than one per case unless good and valid reasons
16 exist with regard to the medical progress of the employee's
17 treatment. The cost of conducting the ordered medical
18 examination shall be limited to the complex consultation charges
19 governed by the medical fee schedule established pursuant to
20 section 386-21(c).



S.B. NO. 859

Report Title:

Workers' Compensation; Medical Examination; Duly Qualified Physician; Duly Qualified Surgeon; Chaperone; Recording Devices

Description:

Allows an employee to have a chaperone present and use a recording device during the medical examination relating to a work injury under workers' compensation. Clarifies that the employee's right to have a physician or surgeon present at the medical examination applies to the right to have a duly qualified physician or duly qualified surgeon present and defines "duly qualified physician" and "duly qualified surgeon".

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

