

STAND. COM. REP. NO.

4

Honolulu, Hawaii

February 2, 2017

RE: H.B. No. 978
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 978 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow an employee to have a chaperone present and use a recording device during medical examinations relating to a work injury under workers' compensation; and
- (2) Specify the required qualifications for a physician or surgeon who may accompany an employee to a medical examination.

The ILWU Local 142, Work Injury Medical Association of Hawaii, Workstar Injury Recovery Center, Vocational Management Consultants, Inc., and several individuals testified in support of this measure. The City and County of Honolulu Department of Human Resources, Chamber of Commerce Hawaii, Hawaii Insurers Council, General Contractors Association, and Society for Human Resource Management Hawaii Chapter testified in opposition. The Department of Labor and Industrial Relations and Department of Human Resources Development provided comments.

HB978 HD1 HSCR LAB HMS 2017-1620



Your Committee has amended this measure by:

- (1) Deleting language that specified the required qualifications for a physician or surgeon who accompanies an employee to a medical examination;
- (2) Requiring the consent of the employer's physician before an employee may record an examination;
- (3) Clarifying that an employee's designated chaperone is prohibited from disrupting an examination in the same manner and subject to the same penalties as the employee; and
- (4) Changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 978, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 978, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,


AARON LING JOHANSON, Chair



