

Honolulu, Hawaii

APR 28 2017

RE: S.B. No. 859
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 859, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Grant an employee the right to have a chaperone present during an independent medical examination relating to a work injury for workers' compensation purposes;
- (2) Grant an employee the right to use a recording device during the medical examination, subject to certain conditions; and
- (3) Specify that if the employee or employee's designated chaperone obstructs the examination, the employee's right



to compensation shall be suspended until the obstruction ceases.

Your Committee on Conference finds that efforts to ensure that the independent medical examination physician who examines a work injury under the workers' compensation system is truly independent serve to minimize or even eliminate negative perceptions about the examiner, providing greater assurance that the examination will be conducted fairly.

Your Committee on Conference has amended this measure by making it effective upon its approval; provided that on June 30, 2019, this measure shall be repealed and section 386-79, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this measure.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 859, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 859, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE


ON THE PART OF THE SENATE



 AARON LING JOHANSON
 Co-Chair



 GILBERT S.C. KEITH-AGARAN
 Chair



 TY J.K. SOLLEN
 Co-Chair



Hawaii State Legislature

CCR 191

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 859, SD 1, HD 1	Date/Time: 4/27/17 1:48 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

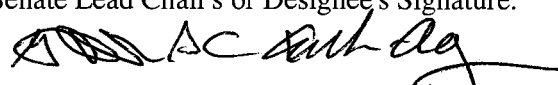
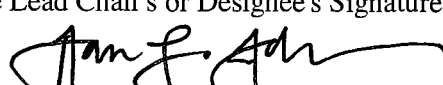
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.	✓				JOHANSON, Aaron Ling, Co-Chr.	✓			
CHANG, Stanley	✓				CULLEN, Ty J.K., Co-Chr.	✓			
RHOADS, Karl	✓				HOLT, Daniel	✓			
					YAMASHITA, Kyle T.	✓			
					MATSUMOTO, Lauren Kealohilani	✓			
TOTAL	3	0	0	0	TOTAL	5	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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