

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
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Phone: (808) 586-8844 / Fax: (808) 586-9099
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January 31, 2017

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Tuesday, January 31, 2017
Time: 9:00 a.m.
Place: Conference Room 309, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 978 Relating to Workers' Compensation

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal amends section 386-79, Hawaii Revised Statutes (HRS), which relates to physicians ordered by the director, by proposing that the employee has the right to have a duly qualified physician, duly qualified surgeon, or chaperone designated and paid by the employee present at the examination. The employee shall also have the right to use a recording device during the medical examination and the proposal provides a definition of "duly qualified" physician and "duly qualified" surgeon.

DLIR supports the intent of the measure to permit recording and the attendance of chaperones in an Independent Medical Examination (IME), which has the potential to increase the overall fairness of the IME process.

II. CURRENT LAW

Section 386-79, HRS, allows the employee to have a physician or surgeon designated and paid by the employee present during the examination. It does not specify that the employee's physician or surgeon be "duly qualified," nor does it identify that a chaperone may be present. The current law also does not specify the employee's right to record the examination.

III. COMMENTS ON THE HOUSE BILL

The department offers the following comments on this measure:

Requiring that the physician or surgeon who the claimant asks to be present at the examination to be “duly qualified” aligns with existing law that requires physicians and surgeons to be “duly qualified” when an employee is ordered by the director to submit to an examination.

Section 1(c) of the measure, which lists requirements for “duly qualified physician” and “duly qualified surgeon,” is not necessary as section 386-27, HRS, lists qualifications and duties of health care providers for them to be qualified by the director.

There may be some hesitation on the part of a physician or surgeon conducting the examination to have a “chaperone” present or to have the entire examination recorded. With the exception of an interpreter or for other specific reasons, some physicians may already have a policy of restricting the examination to just the injured employee. This may reduce the number of physicians or surgeons willing to do these types of examination.

The department also does not understand the intent or meaning of the proposed subsection (c)(3).

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

RYKER WADA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

January 30, 2017

**TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT**

For Hearing on Tuesday, January 31, 2017
9:00 a.m., Conference Room 309

BY

JAMES K. NISHIMOTO
DIRECTOR

House Bill No. 978
Relating to Workers' Compensation

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON AARON JOHANSON AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide **comments** on H.B. 978.

The purposes of H.B. 978, are to allow an employee to have a chaperone present and use a recording device during the medical examination relating to a work injury under workers' compensation; clarify 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 define "duly qualified physician" and "duly qualified surgeon."

The Department of Human Resources Development ("DHRD") has a fiduciary duty to administer the State's self-insured workers' compensation program and its expenditure of public funds.

First, many, many bills and much testimony has been submitted to this committee in sessions past to change the current law pertaining to independent medical examinations ("IMEs") due to its alleged failings. The matter has also been debated at length in the Workers' Compensation Working Group convened by House Concurrent

Resolution 168 (2015) for the purpose of streamlining the WC process including the employer-requested medical examination, under chapter 386. From the employer's perspective, the IME remains one of the few ways it can defend against a claim that did not arise out of the course and scope of employment or against medical treatment that is not related to the work injury. This is particularly true in light of the statutory presumption in Section 386-78, HRS, that a claim is for a covered work injury, and recent Hawaii Supreme Court decisions such as Pulawa v. Oahu Construction Co., Ltd., and Seabright Insurance Company, SCWC-11-0001019 (Hawai'i November 4, 2015) which liberalized the standard for medical treatment from "reasonable and necessary" to "reasonably needed" and allows claimants to "receive[] the opportunity for the greatest possible medical rehabilitation."

Second, the bill's specific definition for a "duly qualified physician" and "duly qualified surgeon" is certain to have the unintended consequence of potentially lengthening certain claims as both employees and/or their attorneys and employers debate whether the physician at issue is "qualified" to treat the injury being examined. This would be especially true in those claims where there are multiple injuries being examined which led to the necessity of the IME.

Finally, in lieu of passing this bill with all of its unresolved issues, we respectfully request consideration be given to deferring this measure pending completion of the working group report and the workers' compensation closed claims study mandated by Act 188 (SLH 2016), wherein the legislature found that "a closed claims study is warranted to objectively review whether specific statutory changes are necessary" to the workers' compensation law. Upon delivery of the respective reports to the legislature, the empirical findings and specific recommendations of the working group and closed claims study can inform any legislative initiatives on workers' compensation.

Thank you for the opportunity to testify on this measure.

TESTIMONY OF LINDA O'REILLY

HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
Representative Aaron Ling Johanson, Chair
Representative Daniel Holt, Vice Chair

Tuesday, January 31, 2017
9:00 a.m.

HB 978

Chair Johanson, Vice Chair Holt, and members of the Committee on Labor & Public Employment, my name is Linda O'Reilly, Assistant Vice President of Claims - Workers Compensation of First Insurance Company of Hawaii. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** this bill. The bill defines a "duly qualified physician" and a "duly qualified surgeon" to mean one that is qualified to treat the injury being examined, possess medical malpractice insurance, and owes the same duty of care to the injured employee while performing the medical examination as would be owed to a traditional patient. The definitions, "duly qualified physician" and "duly qualified surgeon" would apply to both the IME physician and if one accompanies the employee in an IME. The bill also allows a chaperone to accompany an employee in an exam and allows recordation of the exam.

We believe this bill will further restrict the small pool of physicians willing to perform IMEs in the state. Having the exam recorded and allowing a physician, surgeon or chaperone in the exam room will change the tone of the interaction between IME physician and patient to one that may be of an unnatural flow, self-conscious, and stilted. The provision that requires the IME physician to have medical malpractice

insurance may also reduce the number of available physicians because not all of them may carry this coverage. Finally, the duty of care requirement could expose IME physicians to some liability as although we believe they would give the patient the same level of care as if they were their own patient, the IME physician is not the treating physician and has not had a history of treating the patient over time.

If the pool of IME physicians is reduced, it will not serve the injured worker. The delays to obtain an IME will be longer, mutual agreement of IME physicians may be hampered, and cases will remain open longer with no resolution pending an IME. This could prevent medical treatment, prolong a settlement, or delay an impairment rating, all of which are harmful to the injured worker. For the employer, the longer delays add to medical and indemnity costs which are ultimately passed on to the business and then to the consumer. We ask that this bill be held.

Thank you for the opportunity to testify.

The Twenty-Ninth Legislature
Regular Session of 2017

HOUSE OF REPRESENTATIVES
Committee on Labor & Public Employment
Rep. Aaron Ling Johanson, Chair
Rep. Daniel Holt, Vice Chair
State Capitol, Conference Room 309
Tuesday, January 31, 2017; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 978
RELATING TO WORKERS COMPENSATION**

The ILWU Local 142 supports H.B. 978, which 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.

This measure provides greater fairness and more integrity to the independent medical examination process. Providing the opportunity for the injured worker to be accompanied by a “chaperone” while being examined by a physician or surgeon designated and paid for by the employer, allows the worker to feel better supported, in what would otherwise be an unfamiliar and in many cases intimidating experience.

Although current law allows the injured worker the right to a physician or surgeon of his or her designation to be present at the independent medical examination, that physician or surgeon would have to be paid by the injured worker. Many times an injured worker would not have the financial means to be able to pay for that kind of representation.

H.B. 978 also provides a right for the injured worker to record an independent medical examination, through the use of a recording device provided by the worker. This could result in the employer’s physician or surgeon feeling uncomfortable or even intimidated. Therefore, we would suggest that the right to record the examination be permitted when the employer’s physician agrees to such a recording.

The ILWU urges passage of H.B. 978. Thank you for the opportunity to testify on this measure.

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

January 31, 2017

TO: HONORABLE AARON JOHANSON, CHAIR, HONORABLE DANIEL HOLT, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

SUBJECT: **OPPOSITION TO H.B. 978, RELATING TO WORKERS' COMPENSATION.** 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".

HEARING

DATE: Tuesday, January 31, 2017
TIME: 9:00 AM
PLACE: Conference Room 309

Dear Chair Johanson, Vice Chair Holt and Members of the Committee,

The General Contractors Association (GCA) is an organization comprised of over 500 general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA is in opposition to H.B. 978, Relating to Workers Compensation, which attempts to clarify who may attend independent medical examinations with an employee in a workers compensation related case. GCA is opposed because it may cause for further delay and treatment of the employee and may increase litigious action. The proposed language in the measure proposes that the employee shall have the right to a "duly qualified physician, duly qualified surgeon," that may attend an Independent Medical Examination with them is problematic as it may limit the number of qualified physician's there are available to attend to an injured worker. Furthermore, the bill proposes to allow an employee to have a chaperone accompany the employee, which is vague and troublesome given that there are no reasons why such may be necessary. Also, the bill would permit the recording of such proceeding, which also raises concerns regarding medical privacy. For these reasons, this measure may have unintended consequences and we respectfully oppose this measure.

Thank you for this opportunity to share our opposition to H.B. 978 and we respectfully request that you defer this measure.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

KIRK CALDWELL
MAYOR



LATE

CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

January 31, 2017

The Honorable Aaron Ling Johanson, Chair
and Members of the Committee
on Labor & Public Employment
The House of Representatives
State Capitol, Room 309
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Johanson and Members of the Committee:

**SUBJECT: House Bill No. 978
Relating to Workers' Compensation**

H.B. 978 amends Hawaii Revised Statutes (HRS) Section 386-79 to allow a chaperone to be present during an ordered medical examination, provide the employee with the right to record the examination and add qualifications before a physician can conduct an ordered examination under the section. The City and County of Honolulu opposes the measure insofar as it mandates additional criteria for independent medical examiners which have no valid basis in law or medicine.

The first part of the bill authorizes an employee to have a designated chaperone be present during the examination. However, it fails to provide any ramification should the chaperone disrupt or obstruct the examination in any way. The City therefore suggests that the bill be amended so the second sentence of HRS Section 386-79 would read as follows:

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

H.B. 978 also amends HRS Section 386-79 to require that the physician performing an ordered medical examination (1) be qualified to treat the injury being examined, (2) possess medical malpractice insurance, and (3) owe the same duty of care to the injured employee while performing the medical examination as would be owed to a traditional patient. These requirements belie a complete lack of understanding as to the nature of the ordered medical examination itself.

The Honorable Aaron Ling Johanson, Chair
and Members of the Committee
on Labor & Public Employment
The House of Representatives
January 31, 2017
Page 2

An examination conducted under HRS Section 386-79 is strictly to assess diagnosis, causation, prognosis, maximum medical improvement, work capacity and/or appropriateness of care. As a result, no physician-patient relationship is created between the employee and the physician conducting the examination. This independent nature of the examination and the concomitant nonexistence of any physician-patient relationship are the cornerstones of medical examinations provided under this section. Consequently, there is no legal or medical basis to support the requirement that examiners possess medical malpractice insurance in order to conduct such an examination.

Mandating that medical examiners provide the same duty of care to employees examined under the section that a traditional patient would receive is likewise devoid of any sound rationale. To the contrary, imposing such a requirement would potentially establish a physician-patient relationship between the parties or at the very least create the appearance of one, thereby destroying one of the foundational tenets of independent medical examinations. As noted above, employees examined under HRS Section 386-79 are not patients and any attempt to create ambiguity in that regard is extremely concerning.

Proposed subsection (c) of the measure is simply a thinly veiled attempt to dissuade qualified providers from performing independent medical examinations (IME) under workers' compensation, to the detriment of both employers and employees. The City therefore opposes H.B. 978 and asks that the bill be held. However, if the Committee is inclined to move the measure forward, we would respectfully request that the second sentence of HRS Section 386-79 be amended as noted above and that proposed subsection (c) be deleted in its entirety.

Thank you for the opportunity to testify.

Sincerely,



Carolee C. Kubo
Director

cc: Mayor's Office

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 5:59 PM
To: LABtestimony
Cc: mukaida88@aol.com
Subject: Submitted testimony for HB978 on Jan 31, 2017 09:00AM

LATE

HB978

Submitted on: 1/30/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Mukaida	Individual	Support	No

Comments: I am attorney Wayne Mukaida. I have been in practice since 1978. Since 1989, I have devoted a substantial portion of my legal practice to representing injured workers. I strongly support H.B. No. 978. An examination by employer's physician can be highly intrusive and there are currently no protections for the injured worker. There is currently no prescribed way for an injured worker to document what is done during the examination. The employer's physician need not be of the same sex as the injured worker. It is unconscionable that the Director of the Department of Labor is allowed to order an examination but not have some very basic protections for the injured worker during an examination by the employer's physician Wayne H. Mukaida

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Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Labor & Public Employment
Tuesday, January 31, 2017 at 9:00 A.M.
Conference Room 309, State Capitol**

LATE

RE: HOUSE BILL 978 RELATING TO WORKERS COMPENSATION

Chair Johanson, Vice Chair Holt, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 978, which 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 Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,600+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We oppose the bill for many reasons which we think will hurt the overall process which will adversely affect employees and employers.

First, we believe this bill will restrict the already small pool of physicians willing to perform IMEs in the state by requiring malpractice insurance, as not all of them carry this insurance. While they give the patient the same level of care as if they were their own patient, the IME physician is not the treating physician and has not had a history of treating the patient over time. If the pool of IME physicians is reduced, it will not serve the injured worker. The delays to obtain an IME will be longer, mutual agreement of IME physicians may be hampered, and cases will remain open longer with no resolution pending an IME.

Second, most providers offer each claimant the option of a chaperone for the interview and/or the physical exam. That chaperone is a member of their staff. No other parties are allowed. To maintain the independence of the proceedings, it is inappropriate to allow family members, attorneys, or any other "interested" parties in the exam. Third-party professional interpreters are the obvious exception, and only when the language barrier has been established in earlier aspects of the case.



We also do not think recording devices of any kind should be allowed. There is no basis for their use, and there are a multitude of issues surrounding this including HIPPA privacy rights and potential exposure/liability, custody of the recording, alterations, deletions, etc.

We ask that this bill be deferred. Thank you for the opportunity to testify.

LATE

I fully Support HB 978 as there is no evidence of the conversation between IME doctor and the employee being examined. This will avoid any errors, if any, in examination by IME doctor in case he does not understand what the employee being examined is trying to communicate. Further, the process will be more transparent as both parties would be able to communicate effectively.

In case, the employee disputes a part or entire IME report, then the recording device or duly qualified physician/surgeon/chaperone present at the time of IME could be used as evidence to resolve this dispute.

LATE

HOUSE OF REPRESENTATIVES
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair

Rep. Daniel Holt, Vice Chair

I strongly support, and my organization, Work Injury Medical Association of Hawaii supports HB 978. Addressing the IME abuse in our state is our number one legislative change that we feel will improve the process of caring for injured workers in Hawaii. Our organization represents the majority of physicians still treating patients injured on our state. Our best estimates are that less than 50 of the over 3000 licensed physicians regularly accept Workers Compensation and a majority of those are part of WIMAH.

HB978 addresses what has become a blatant abuse of a system that is meant to provide an "independent" physician to represent the Insurer or Employer's interest. Current, approximately 10 physicians have become highly paid "hit men" for certain insurers, and nearly 90 %of the time or higher rule against the injured worker. These individuals average \$4000-\$6000 for usually spending less than 1 hours with a patient who has often had numerous office visits with a practicing attending physician, Specialists Physicians practicing and treating patients daily as well as Physical Therapists, Acupuncture professionals and Doctors of Chiropractic.

In this 15 minutes to 1hour, lives of workers injured in Hawaii usually at no fault of their own are ruined. One letter from this so called "independent" physician becomes the ruling that decides all future care, immediately, regardless of the opinion of a team of dedicated professional who have usually spent 30-50 hours with an injured worker over months or even years. And this is even worsened by the fact that the majority do not even treat patients! They only perform these high paying exams with a regular path worn to certain insurance carriers.

At this point, the worker is now no longer being compensated and has lost health insurance. They are forced to find an attorney and file an appeal with the Department of Labor that in 2016 would take 3-4 months. The injured worker has already been suffering financially making less than 2/3 of their normal wage, and has depleted saving. It is not unusual that they are forced to live with family or in some cases become homeless. And their pain and injury is still present. Many are forced to give up and remain

injured the rest of their lives. They often (in my practice well over 70%) must file for welfare benefits and demand on state assistance to survive.

Unfortunately, most cannot afford to challenge these ruling. If the injured worker can persist and survive this ordeal, the majority of these one sided and baseless IME exams are over turned at the Labor Appeals Board or with the initial hearing. At last count, my practice has won our past 60 consecutive appeals. That means the employers must pay the employee's back wages and continue to provide care. All of this occurs after creating more suffering for our injured workers in our state. Most gains of the initial treatment are lost and must be restarted. This delay further increases the cost of Workers Compensation to all parties including the taxpayers who recently had to increase funding to the DOL to support the appeals process driven by these prolific producers one-sided IME's.

We have more than 100 qualified physicians to perform IME exams, yet some insurance carriers resort to flying an Orthopedic Surgeon from the mainland. I recently testified as an expert in Federal Court where one such expert under oath admitted to seeing 24-36 IME exam patients in 2 days and receiving approximately \$64,000. He does this 3-4 times per year.

There is unfortunately no due process allowed by our Medical Board to rid our state of these physicians since they state that no doctor patient relationship exists and the IME doctor is not "practicing medicine". They are immune from Malpractice Claims and the MCCP process. Essentially they are accountable to no one. Please consider this since most of us cannot understand how this group can be so insulated from any reasonable action or oversight. The IME provider is able to access someone's confidential life history in his or her medical records and physically perform an exam similar to any other practicing doctor in the State of Hawaii. They make medically treatment recommendations, that the majority of time is refusal of care recommended by the treating physician. These decision lead to refusal of surgeries or complete closure of their case.

Fortunate, SB1174 may allow the majority of the outstanding IME physicians that do exist in our state to provide fair exams and reports. The distinction between the truly professional and "independent" physicians is remarkable. Reports are often 50-100 pages, and well thought out and defend the medical opinion with logic with best practice evidence. There are at least 50 IME providers in our state that I never in over 22 years of caring for an injured work had to appeal. This

allows for a realistic and speedy consensus on future treatment, and usually eliminates appeals or costly legal proceedings. Most importantly, the worker receives the necessary care to ultimate return to the work force in our state.

Please support the injured workers of our state, and help stop this devastating process *that unfortunate occurs daily.*

Sincerely,
Scott J Miscovich MD
President
Work Injury Medical Association of Hawaii



LATE

Testimony to the House Labor & Public Employment Committee
January 31, 2017 at 9:00 a.m.
State Capitol - Conference Room 309

RE: HB 978, Relating to Workers' Compensation

Aloha Chair Johanson, Vice Chair Holt and members of the committee:

We are John Knorek and Cara Heilmann, the Legislative Committee co-chairs for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents nearly 800 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose HB 978, relating to workers' compensation. This bill 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. It seeks to clarify 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". We believe that these provisions, while appearing well intended, may tend to undermine the balance of interests inherent in workers' compensation matters.

Human resource professionals are attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses' most valuable asset: human capital. We truly have our employers' and employees' interests at heart. We will continue to review this bill and, if it advances, request to be a part of the dialogue concerning it.

Thank you for the opportunity to testify.



From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:10 AM
To: LABtestimony
Cc: lhamano@vmchawaii.com
Subject: *Submitted testimony for HB978 on Jan 31, 2017 09:00AM*

LATE

HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
laurie hamano	VMC	Support	No

Comments:

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LABtestimony

From: Scott McCaffrey <doc@workstar.com>
Sent: Tuesday, January 31, 2017 2:39 AM
To: LABtestimony
Subject: HB 978



Dear Committe Members and Fellow Public Servants:

Please support this long overdue measure designed to protect the most vulnerable workers among us--those injured at work. Those with medical licenses willing to hurt patients in violation of their Hypocratic Oath must be stopped now since, by greedily breaching the Workers Compensation safety net, hapless impaired and cripple citizens cannot get back into the work force thereby exacerbating our growing Homeless situation.

Thank you and please call me at my practice for any questions.

Sincerely

Scott McCaffrey, MD
Medical Director
Workstar Injury Recovery Center
Queens West Oahu
Established 1990
Sent from my iPhone

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 5:43 AM
To: LABtestimony
Cc: akau6024@hotmail.com
Subject: Submitted testimony for HB978 on Jan 31, 2017 09:00AM



HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Eddie Akau	Individual	Comments Only	No

Comments: Aloha I am in support of HB 978. I've been subject to the blatant abuse from these IME doctors who have no care in the world but to give me a bad report. The doctors that I was forced to see were rude, didn't care of my current condition, and have reported what seemed to save the employer, not help me. I filed a stress claim with my former employer and because of these terrible examinations I am currently struggling to keep my house, pay my bills, and had to take a cut in pay because I couldn't stay at the same employer. During the examination I stated facts about my claim that the employer purposely didn't make him aware of which caught him by surprise. He tried talking me out of the statements I made until I showed him documentation then the appointment quickly ended. To my absolute surprise when I received his report everything in their went totally against me and had no mention about any of the facts I stated. Since having to suffer from the effects of this one sided opinion I've tried to learn more about the workers compensation process. In my efforts doing this I have met so many people that suffered and is currently suffering from these terrible insurance hired money savers. Almost all of these people stated they didn't have the money, resources, or strength to pursue their case. The result of this had these individuals return to work untreated either at the same employer or having to find other employment. With this bill the injured workers can get proper treatment and the IME doctors will be held accountable for their actions. Please support me and those who have lost faith in the worker's compensation process. Sincerely, Eddie Akau Jr

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LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:26 AM
To: LABtestimony
Cc: ayonamine@vmchawaii.com
Subject: *Submitted testimony for HB978 on Jan 31, 2017 09:00AM*



HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Yonamine	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:28 AM
To: LABtestimony
Cc: joseph.r.dicostanzo@kp.org
Subject: Submitted testimony for HB978 on Jan 31, 2017 09:00AM



HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
joe dicostanzo	Individual	Support	No

Comments: I am a physician who treats workcomp patients and this would be very helpful to my patients.

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LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:26 AM
To: LABtestimony
Cc: vmc@vmchawaii.com
Subject: *Submitted testimony for HB978 on Jan 31, 2017 09:00AM



HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kristi Kinsella	Individual	Support	No

Comments:

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LATE

HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lily Miyahira	Individual	Support	No

Comments:

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HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
marcia	Individual	Support	No

Comments: I am support of this bill. Long overdue.

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HB978

Submitted on: 1/31/2017

Testimony for LAB on Jan 31, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Andria Pakele	Individual	Support	No

Comments:

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