

# SB383

Measure Title: RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS.

Report Title: Hazardous Duty Related Diseases; Firefighters; Service Connected Disability and Medical Coverage

Description: Improves access for firefighters to comprehensive medical coverage and service-connected disability retirement benefits for hazardous duty related diseases that are presumed to arise out of and in the course of employment.

Companion: [HB913](#)

Package: None

Current Referral: CPH/PSM, JDL/WAM

Introducer(s): BAKER, ENGLISH, ESPERO, GREEN, HARIMOTO, INOUYE, KEITH-AGARAN, KIDANI, NISHIHARA, K. RHOADS, RIVIERE, RUDERMAN

DAVID Y. IGE  
GOVERNOR

SHAN S. TSUTSUI  
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA  
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LEONARD HOSHIJO  
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STATE OF HAWAII  
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February 9, 2017

To: The Honorable Rosalyn H. Baker, Chair,  
The Honorable Clarence K. Nishihara, Vice Chair, and  
Members of the Senate Committee on Commerce, Consumer Protection,  
and Health

The Honorable Clarence K. Nishihara, Chair,  
The Honorable Glenn Wakai, Vice Chair, and  
Members of the Senate Committee on Public Safety, Intergovernmental,  
and Military Affairs

Date: Thursday, February 09, 2017  
Time: 1:15 p.m.  
Place: Conference Room 229, State Capitol

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

**Re: S.B. No. 383 Relating to Medical Coverage for Firefighters**

**I. OVERVIEW OF PROPOSED LEGISLATION**

This proposal is intended to improve access for firefighters to comprehensive medical coverage and service-connected disability retirement benefits for hazardous duty related diseases that are presumed to arise out of and in the course of employment. This bill adds a new chapter to the Hawaii Revised Statutes (HRS), entitled "Hazardous Duty Related Diseases Treatment Insurance Benefits."

The department provides comments on the proposal.

**II. CURRENT LAW**

Section 386-3, HRS, defines injury and provides that the employee's employer shall pay compensation to the employee or the employee's dependents as provided in chapter 386 if an employee suffers personal injury either by accident arising out of and in the course of employment, or by disease proximately caused

by or resulting from the nature of the employment.

Section 386-73.5, HRS, establishes that the director of labor and industrial relations has original jurisdiction over all controversies and disputes arising out of workers' compensation.

Section 386-85, HRS, provides a presumption of employment and compensation for a work-covered work injury, in the absence of substantial evidence to the contrary.

Section 386-86, HRS, establishes an informal hearing process that is not subject to chapter 91.

### **III. COMMENTS ON THE SENATE BILL**

- The department appreciates the intent of this proposal to ensure that firefighters receive the proper medical treatment in a timely manner, as well as lessen the impact due to the effects of cancer. However, the department has concerns that this measure will set a precedent in carving out certain classes of workers from the Workers' Compensation Law.
- The department recognizes that there may be times a firefighter will receive benefits covered under the proposed measure as well as Chapter 386, HRS, creating a dual system. We are unclear of the administrative burden this will create given the Disability Compensation Division's limited staffing and resources.
- DLIR is concerned with the increase of insurance premiums resulting from this measure. In addition, the measure is unclear as to who is responsible for the copayment, deductible, and coinsurance provisions (firefighter or employer).
- The measure addresses the termination of benefits if the firefighter is able to resume work. In the case that the firefighter disagrees with the employer, rules need to be promulgated to address this process. In addition, the measure does not provide for a hearing process, the appeal rights, and whether chapter 91 applies to these procedures. The department has concerns with the July 1, 2017 effective date to address these procedural matters.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 383, RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS.

**BEFORE THE:**

SENATE COMMITTEES ON COMMERCE, CONSUMER PROTECTION, AND HEALTH AND ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

**DATE:** Thursday, February 9, 2017                      **TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Daniel K. Jacob, Deputy Attorney General

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Chairs Baker and Nishihara and Members of the Committees:

The Department of the Attorney General appreciates the intent of this bill, and provides the following comments.

Among other things, this bill proposes to provide “firefighters who develop cancer expanded benefits equal to one hundred per cent of average weekly wages, disability indemnity, and death benefits, paid for by the employer.”

This bill might be subject to challenge as being in violation of article III, section 14, of the Hawaii Constitution. Under article III, section 14, “Each law shall embrace but one subject, which shall be expressed in its title.” The title of this bill is “Relating to Medical Coverage for Firefighters.” This bill, however, covers disability indemnification and death benefits in addition to medical coverage.

To address these concerns, we recommend utilizing another bill with an appropriate title that encompasses the subject of the bill or deleting the portion of the bill that does not relate to medical coverage.

Additionally, pursuant to section 1311(d)(3)(B)(ii) of the Patient Protection and Affordable Care Act, a state shall make payments to defray the cost of any additional benefits mandated by the state that are not included within the state selected benchmark plan. Currently, Hawaii’s benchmark plan does not provide the coverage

required by this bill. Accordingly, if this additional benefit is mandated, the State would be required to defray the cost.

Finally, pursuant to section 23-51, Hawaii Revised Statutes (HRS), before any legislative matter that mandates health insurance coverage for specific health services, specific diseases, or certain providers of health care services as part of an insurance policy can be considered, concurrent resolutions are required to be adopted that request the Auditor to prepare and submit to the Legislature a report that assesses both the social and financial effects of the proposed mandated coverage. Among other things, this bill proposes to mandate certain specific medical insurance coverage for firefighters. Our understanding is that there has been no concurrent resolution adopted regarding this coverage as required by section 23-51, HRS. Accordingly, we recommend either that the bill be held until such time as the concurrent resolutions have been adopted and the Auditor's report has been completed and submitted to the Legislature as required by section 23-51, HRS, or that the Legislature include wording within the bill that exempts this new mandate from the audit requirement set forth in section 23-51, HRS.

Thank you for the opportunity to provide comments.

DAVID Y. IGE  
GOVERNOR



THOMAS WILLIAMS  
EXECUTIVE DIRECTOR

KANOE MARGOL  
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII  
EMPLOYEES' RETIREMENT SYSTEM**

**TESTIMONY BY THOMAS WILLIAMS  
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM  
STATE OF HAWAII**

**TO THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND  
HEALTH  
AND  
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY  
AFFAIRS**

**ON SENATE BILL NO. 383**

February 9, 2017, 1:15 p.m.  
Room 229

**RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS**

Chairs Baker and Nishihara, Vice Chair Wakai and Members of the Committees,

S.B. 383 proposes to provide firefighters who develop cancer expanded benefits including service-connected disability retirement benefits for "hazardous duty related diseases" that are presumed to arise out of and in the course of employment.

Currently, Section 88-79, HRS, provides for service-connected disability benefits for a member who is permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty or as the cumulative result of an occupational hazard. In addition, Sections 88-84 and 88-85, HRS, provide for ordinary and accidental death benefits to be paid to an ERS member's designated beneficiary, spouse or reciprocal beneficiary, and/or dependent children. Both Sections 88-79 and 88-85, HRS, already include a rebuttable presumption that firefighters, police officers and sewer workers who are permanently incapacitated for duty or who die as a result of any condition or impairment of health caused by any disease of the heart, lungs, or respiratory system, contracted the disease while in the performance of duty and as the result of the inherent occupational hazard of exposure to smoke inhalation, toxic gases, chemical fumes, and other toxic vapors. S.B. 383



Employees' Retirement System  
of the State of Hawaii

proposes to add a new chapter to the Hawaii Revised Statutes that would have the effect of amending Section 88-79 and, perhaps, Section 88-85.

The additional cancer presumption for service-connected disability retirement provided by S.B. 383 represents a benefit enhancement. Under HRS 88-99, there is to be no benefit enhancement under HRS Chapter 88 until such time as the ERS's assets are 100% of the ERS's actuarial accrued liability. With an unfunded liability of \$12.4 billion and a funded ratio of 54.7% the ERS is far below 100% of its actuarial accrued liability. This bill would be in violation of HRS 88-99.

In addition, the new chapter proposed by S.B. 383 has a number of flaws.

First, it is unclear which provisions of the new chapter proposed by S.B. 383 are to apply to the ERS. The ERS does not provide health coverage as described in section 2 of the new chapter, nor does it provide weekly income and indemnity benefits for a permanent total disability as described in section 6 of the new chapter. The definitions in section 2 of the new chapter are inconsistent with ERS definitions and terminology. The definition of firefighter in section 2 includes federal employees who are not covered the ERS. The ERS does not use "disability" or "total disability" in its statutes. The payments after death described in section 6 of the new chapter are inconsistent with the payments that the ERS makes for ordinary and accidental death benefits under Sections 88-84 and 88-85, HRS. S.B. 383 should be revised to make it clear which provisions of the new chapter apply and do not apply to the ERS. Further, any changes applicable to the ERS should be made through amendments to ERS statutes such as Sections 88-79 and 88-85 rather than through a new chapter outside of HRS Chapter 88.

Second, the presumption that the new chapter proposes to create is materially different and inconsistent with the rebuttable presumptions already present in ERS statutes. The presumptions in favor of firefighters under Sections 88-79 and 88-85, HRS, may be rebutted by "competent evidence" to the contrary. Under sections 4(b) and 5(c) of the new chapter, the presumption created by S.B. 383 is rebuttable only by "substantial evidence" to the contrary, a higher standard used in workers' compensation law. It would be anomalous to have two different standards for rebutting presumptions in the ERS statutes – one for firefighters with a hazardous duty related disease and one for firefighters, police officers, and sewer workers with conditions or impairments caused by other diseases of the heart, lungs, or respiratory system. In addition, section 5(a) of the new chapter presumes that the death or hazardous duty related disease of a firefighter arises out of and in the course of employment. The "arise out of and in the course of employment" language is not used in the ERS statutes to describe what is required to trigger a grant of service-connected disability retirement or accidental death benefits. Service-connected disability retirement under Section 88-79 and accidental death benefits under Section 88-85 require that a firefighter's permanent incapacity or death be the result of an "accident occurring while in the actual performance of duty at some definite time and place" or the "cumulative result of some occupational hazard." Section 5(b) of the new chapter provides that notwithstanding the existence of non-industrial predisposing or contributing factors, a firefighter permanently incapacitated as a result of a hazardous duty related disease shall

receive service-connected disability retirement if he/she has been exposed to a known carcinogen resulting from the performance of job duties. The exclusion of predisposing or contributing factors and the requirement of exposure to a known carcinogen are not present in Section 88-79, HRS. Again, it would be anomalous for different standards and requirements to apply to firefighters incapacitated due to a hazardous duty related disease and other firefighters, police officers, and sewer workers with a condition or impairment caused by disease of the heart, lungs, or respiratory system. Finally, section 5(c) of the new chapter states that the presumption shall be extended to a firefighter in perpetuity following termination of service. However, a firefighter's application for ERS service-connected disability retirement must be made while the firefighter is still a member of the ERS (an active employee) and must be made within two years of the date of the firefighter's accident or the date upon which workers' compensation benefits cease, whichever is later. See Section 88-79(a)(2), HRS. An application for accidental death benefits must be made no later than three years after a firefighter's death. See Section 88-85.5(a). Unless corrected, the foregoing differences and inconsistencies will cause confusion and difficulties in the ERS's administration of service-connected disability retirement and accidental death benefits.

Third, under section 7 of the new chapter, a firefighter whose hazardous duty related disease causes permanent total disability receives a weekly benefit equal to one hundred percent of the firefighter's weekly wages. If the same firefighter is also to receive service-connected disability retirement benefits from the ERS, the firefighter would likely receive more than his/her compensation as an active employee. ERS statutes generally limit a retired firefighter to a maximum retirement allowance of 80% of their average final compensation. See Section 88-74(b), HRS.

As of the submittal of this testimony, the Board of Trustees of the Employees' Retirement System (ERS) has not yet reviewed S.B. 383 and therefore has not yet taken a formal position on this cancer presumptive disability legislation; however, staff believes that the ERS Board of Trustees will oppose any legislation which provides for enhanced retirement benefits and the resulting increase in the unfunded liability of the System.

On behalf of the Board of Trustees and staff of ERS we wish to thank you for the opportunity to testify.





DAVID Y. IGE  
GOVERNOR

**STATE OF HAWAII**  
**HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND**  
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DONNA A. TONAKI

TESTIMONY BY DEREK MIZUNO  
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND  
HEALTH AND  
THE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY  
AFFAIRS  
ON SENATE BILL NO. 383

**February 9, 2017**  
**1:15 p.m.**  
**Room 229**

RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS

Chairs Baker and Nishihara, Vice Chairs Nishihara and Wakai, and Members of the Committees:

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of Trustees has not had an opportunity to take a position on this bill. The EUTF Board's next meeting is February 21, 2017.

However, the EUTF staff seeks clarification on how the firefighters' hazardous duty related diseases would be covered under the proposed bill:

1. Under workers' compensation with provider reimbursement based on the usual and customary charged comparable to mutual benefit societies, health maintenance organizations, and the EUTF OR
2. Under the firefighters EUTF or private insurance coverage.

**EUTF's Mission:** We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

If coverage for the firefighters' hazardous duty related diseases is under the EUTF or private insurance, the levels of coverage will differ based on the plan selected. The EUTF alone has six different medical plans and three different prescription drug plans with differing levels of coverage. The EUTF staff respectfully requests clarification regarding this matter.

Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR

SHAN S. TSUTSUI  
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA  
DIRECTOR

LEONARD HOSHIJO  
DEPUTY DIRECTOR

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February 3, 2017

The Honorable Rosalyn Baker, Chair  
Committee on Commerce, Consumer  
Protection, and Health  
The State Senate  
State Capitol, Room 230  
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: Senate Bill (SB) 383 Relating to Medical Coverage for Firefighters

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly support SB 383, which proposes to provide fire fighters who develop cancer with expanded benefits that will improve access to comprehensive medical coverage and disability benefits for hazardous duty-related diseases.

Over the last decade the fire profession experienced an increase in fire fighter deaths related to cancer. The University of Cincinnati and the National Institute for Occupational Safety and Health conducted studies as a result of the initial findings. They are the most comprehensive investigations into cancer-related diseases incurred

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The Honorable Rosalyn Baker, Chair  
The Honorable Clarence Nishihara, Chair  
Page 2  
February 3, 2017

by career fire fighters to date and support the initial findings. The State of Hawaii (State) cancer taskforce performed an investigative study with assistance from medical insurance companies and found that fire fighters in the State are also experiencing elevated levels of exposure to the effects of cancer-related diseases which correlate Hawaii's information with the national studies.

It is hoped that this bill will provide the fire fighter and his/her family with the financial and moral support they need during this crisis.

The SFC and the HFD urge your committees' passage of SB 383 for the welfare of our fire fighters.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'M.P.N.', with a long horizontal flourish extending to the right.

MANUEL P. NEVES  
Chair

MPN/LR:clc

# SHOPO



**PRESIDENT**

Tenari R. Ma'afala

**VICE PRESIDENT**

Malcolm Lutu

**TREASURER**

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Robert Cavaco

**HAWAII CHAPTER CHAIR**

Darren Horio

**KAUAI CHAPTER CHAIR**

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TO: The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection,  
and Health

The Honorable Clarence K. Nishihara, Vice-Chair  
Senate Committee on Commerce, Consumer Protection,  
and Health

Members of the Senate Committee on Commerce, Consumer  
Protection, and Health

FROM: Tenari Ma'afala, President   
State of Hawaii Organization of Police Officers

DATE: February 8, 2017

SUBJECT: Testimony on S.B. No. 383, Relating to Medical Coverage  
for Firefighters

HEARING: Thursday, February 9, 2017  
1:15 p.m. Conference Room 229

Thank you for the opportunity to provide testimony on this bill. This bill creates a new chapter in the Hawaii Revised Statutes providing expanded benefits for firefighters who develop cancer, along with a presumption that the cancer arose out of and in the course of employment as a firefighter. The State of Hawaii Organization of Police Officers ("SHOPO") supports S.B. 383 with amendments to extend its applicability to county police officers.

Workers compensation claims for Hawaii's county police officers demonstrate exposure to biochemical hazards when arriving as first responders at fires and other hazardous materials events. Police officers have searched burning houses and buildings, prior to firefighters arrival, and have brought injured and/or helpless victims to safety, at the same time being exposed to hazardous fumes. They have done so, despite not having proper breathing apparatus and other safety equipment.

SHOPO proposes amendments as follows, under new chapter, "Hazardous Duty Related Diseases Treatment Insurance Benefits", section 1, add definition "Police officer" means all county employees whose principal duties include prevention of crime and enforcement of criminal laws." Thereafter, in sections 1 through 7, and 11, where there is "firefighter", add "and police officer".

SHOPO stands in support of firefighters receiving these proposed benefits, and also request that amendments be made to include police officers.

DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 10<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
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KIRK CALDWELL  
MAYOR



CAROLEE C. KUBO  
DIRECTOR

NOEL T. ONO  
ASSISTANT DIRECTOR

February 9, 2017

The Honorable Rosalyn H. Baker, Chair  
and Members of the Committee  
on Commerce, Consumer Protection, and Health

The Honorable Clarence K. Nishihara, Chair  
The Honorable Glenn Wakai, Vice Chair  
and Members of the Committee on  
Public Safety, Intergovernmental, and Military Affairs  
The Senate  
State Capitol, Room 229  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Baker, Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

**SUBJECT: Senate Bill No. 383  
Relating to Medical Coverage for Firefighters**

S.B. 383 is intended to provide firefighters who develop cancer with (a) improved access to comprehensive medical coverage, (b) a presumption of work-relatedness for service-connected disability retirement benefits and (c) indemnity benefits outside of workers' compensation. As fully set forth below, the City and County of Honolulu has serious concerns with the bill, especially regarding the indemnity provisions set forth in S.B. 383.

The bill is clearly designed to provide firefighters who develop cancer with the same indemnity benefits, albeit in a higher amount, that the individuals would have received under Hawaii's workers' compensation law had the injuries been deemed work-related. However, S.B. 383 fails to recognize and provide the exemption from liability for workplace injuries that employers received under the "grand compromise" that led to workers' compensation laws being enacted over a century ago. Absent any such exclusivity provision, the State and counties would be subject to lawsuits from firefighters and their dependents for their injuries while also being required to provide indemnity benefits to these individuals. This would clearly result in double recovery for firefighters and/or their dependents to the fiscal detriment of the government entities that employ them.

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Page 2

The bill similarly fails to provide any mechanism whereby the City could either institute a third-party lawsuit against the parties responsible for the hazardous duty related disease or authorize the right of a first lien against any recovery should the firefighter receive a judgment or settlement. This deficiency creates the potential for double recovery for the employee and/or the individual's dependents.

S.B. 383 also leaves open the question of who has jurisdiction should a dispute arise under the newly proposed chapter. While a few of the provisions covering indemnity benefits appear to give the decision-making responsibility to the Director of Labor and Industrial Relations, jurisdiction over all other issues related to compensability and indemnity are not addressed, nor is jurisdiction for those that may arise regarding the health coverage, health screening and disability retirement provisions set forth in the bill. Given the disparate components of the legislation, it is difficult to even assess where that responsibility should be placed.

The City is also concerned that S.B. 383 requires total disability benefits to be paid at 100% of the firefighter's weekly wages. Under workers' compensation, the same benefits would be paid at 66 2/3% of the firefighter's average weekly wages. From a public policy standpoint there appears to be no basis for the disparity. Moreover, paying indemnity benefits at 100% of wages creates a significant disincentive for a firefighter to return to work. We would therefore ask that the committee amend this portion of the bill so indemnity benefits are paid at 66 3/3% of average weekly wages rather than 100%.

Finally, we note there are areas of the bill that need to be clarified and/or amended. For example, "Section -8" of Section 2 refers to a "maximum weekly benefit rate" which is neither defined in the section or in "Section -1."

While the City supports the intent of the bill, we believe that additional discussions among the interested stakeholders should occur in light of the concerns expressed above. We would therefore request that decision-making on the bill be deferred until those issues can be properly addressed.

Thank you for the opportunity to testify.

Sincerely,



Carolee C. Kubo  
Director

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Wallace G. Rezentes, Jr.**  
Managing Director

**Kilipaki K. F. Vaughan**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
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February 7, 2017

The Honorable Rosalyn Baker, Chair  
Committee on Commerce, Consumer  
Protection, and Health  
The State Senate  
State Capitol, Room 230  
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

**Subject: Senate Bill (SB) 383 Relating to Medical Coverage for Firefighters**

I am Robert F. Westerman, Vice-Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD strongly support SB 383, which proposes to provide fire fighters who develop cancer with expanded benefits that will improve access to comprehensive medical coverage and disability benefits for hazardous duty-related diseases.

Over the last decade the fire profession experienced an increase in fire fighter deaths related to cancer. The University of Cincinnati and the National Institute for Occupational Safety and Health conducted studies as a result of the initial findings. They are the most comprehensive investigations into cancer-related diseases incurred by career fire fighters to date and support the initial findings. The State of Hawaii (State) cancer taskforce performed an investigative study with assistance from medical insurance companies and found that fire fighters in the State are also experiencing elevated levels of exposure to the effects of cancer-related diseases which correlate Hawaii's information with the national studies.



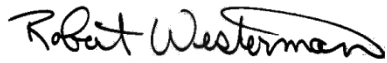
The Honorable Rosalyn Baker, Chair  
The Honorable Clarence Nishihara, Chair  
Page 2  
February 7, 2017

It is hoped that this bill will provide the fire fighter and his/her family with the financial and moral support they need during this crisis.

The SFC and the KFD urge your committees' passage of SB 383 for the welfare of our fire fighters.

Please call me at (808) 241-4975 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a long, sweeping underline.

Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld



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February 9, 2017

The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection,  
and Health

The Honorable Clarence K. Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental  
and Military Affairs

Re: SB 383 – Relating to Medical Coverage for Firefighters

Dear Chair Baker, Chair Nishihara, and Members of the Committee:

The Hawaii Medical Association (HMSA) appreciates the opportunity to testify on SB 383, that would expand access to comprehensive medical coverage and service-connected disability retirement benefits for hazardous duty related diseases for firefighters. HMSA is empathetic to the dangers and health risks Hawaii's firefighters face, and we offer comments.

As we understand this legislation, SB 383 places the administration of firefighter cancer benefits outside of the Workers Compensation (WC) system. The Bill presumes that if a firefighter contracts a cancer, that cancer was contracted as a result of the firefighter's employment. However, despite potentially being compensable under the WC system, the firefighter may seek medical service from a non-WC provider, and the firefighter's private health plan will cover the medical benefits at the firefighter's health plan's "usual and customary charge" levels. While we do cover the costs of cancer treatment-related services, bypassing the WC system may result in increased costs for insuring firefighters - a cost to the EUTF.

Although this Bill specifically addresses firefighters with cancer, we note that other groups of employees who similarly face dangerous work conditions (e.g., police officers, emergency medical technicians, wastewater system employees, employees who process solid waste) may argue for their potential WC cases to be administered outside of the WC system.

Thank you for allowing us to provide these comments on this measure.

Sincerely,

Mark K. Oto  
Director, Government Relations



February 9, 2017

**COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH**

Sen. Rosalyn Baker, Chair; Sen. Clarence Nishihara, Vice Chair; and Members

**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

Sen. Clarence Nishihara, Chair; Sen. Glenn Wakai, Vice Chair; and Members

Public Hearing, February 9, 2017 at 1:15 p.m., Conference Room 229

**TESTIMONY of WILLIAM F. ANONSEN  
MANAGING PARTNER/PRINCIPAL of THE MARITIME GROUP, LLC  
IN SUPPORT of S.B 383 (MEDICAL COVERAGE FOR FIREFIGHTERS)**

My name is William Anonsen and I am the Managing Partner/Principal of THE MARITIME GROUP, LLC. We support SB 383 which would help to improve access for Hawaii Firefighters to comprehensive medical coverage and service-connected disability retirement benefits for hazardous duty related diseases that are presumed to arise out of and in the course of their employment.

Everyone knows that firefighters save lives and often face dangers. However, we don't always think about the long-term risks of their job, and one of them is cancer. More and more firefighters are being stricken with cancer after years of being exposed to toxic gases, fumes, heavy metals, and asbestos. All of these substances, alone and together, can cause cancer. Firefighters have more cancer diagnoses and cancer-related deaths than the general population. Cancer is a concern for every firefighter who runs into a burning building, many household items, such as mattress and drapes, can emit noxious fumes when burned.

In 2010, several agencies, including the National Cancer Institute and the National Institute for Occupational Safety and Health, began a multiyear study of nearly 30,000 firefighters from Chicago, Philadelphia and San Francisco. Not only did the firefighters have more cancer deaths and diagnoses than other Americans, they also had roughly twice the rate of malignant mesothelioma, a type of cancer caused by asbestos exposure. The study further found that a firefighter's chance of lung cancer increased with the amount of time spent at fires, and the chance of leukemia death increased with the number of fire runs.

The Senate is to be commended for introducing this bill, which serves to recognize the significant additional health risks and all sorts of toxins that firefighters are exposed to when responding to an emergency. We are very supportive of this bill and the Senate's effort which will help to bring a greater awareness for Hawaii's Firefighters who to put their lives on the line every day to save others.

***Mahalo for the opportunity to comment in support of SB 383***

*Sincerely,*

*William F. Anonsen*

*William F. Anonsen*

*Managing Partner/Principal*

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***1221 Kapiolani Blvd., Suite 1032, Honolulu, Hawaii, 96814***

***Tel: (808) 589-1223    [www.The-Maritime-Group.com](http://www.The-Maritime-Group.com)***

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**Subject:** \*Submitted testimony for SB383 on Feb 9, 2017 13:15PM\*

**SB383**

Submitted on: 2/3/2017

Testimony for CPH/PSM on Feb 9, 2017 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments:

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**SB383**

Submitted on: 2/6/2017

Testimony for CPH/PSM on Feb 9, 2017 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
robert	Individual	Support	No

Comments:

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**SB383**

Submitted on: 2/5/2017

Testimony for CPH/PSM on Feb 9, 2017 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Camila Chaudron	Individual	Support	No

Comments: Aloha, my name is Camila Chaudron. I'm a constituent from the Manoa/Makiki area, and I support this bill. Firefighters, like my friend Josh, routinely put their lives on the line to protect and serve our community. Their work is difficult and dangerous, and yet they do it selflessly. In return, our community should provide all of our firefighters with the maximum quality of resources. Thank you for taking my testimony into consideration. Mahalo!

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**SB383**

Submitted on: 2/3/2017

Testimony for CPH/PSM on Feb 9, 2017 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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GOVERNOR

SHAN S. TSUTSUI  
LIEUTENANT GOVERNOR



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February 2, 2017

The Honorable Rosalyn Baker, Chair  
Committee on Commerce, Consumer  
Protection and Health  
The State Senate  
State Capitol, Room 230  
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: Senate Bill (SB) 383 Relating to Medical Coverage for Firefighters

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 383, which proposes to provide fire fighters who develop cancer with expanded benefits that will improve access to comprehensive medical coverage and disability benefits for hazardous duty-related diseases.

Over the last decade the fire profession experienced an increase in fire fighter deaths related to cancer. The University of Cincinnati and the National Institute for Occupational Safety and Health conducted studies as a result of the initial findings. They are the most comprehensive investigations into cancer-related diseases incurred by career fire fighters to date and support the initial findings. The State of Hawaii (State) cancer taskforce performed an investigative study with assistance from medical



The Honorable Rosalyn Baker, Chair  
The Honorable Clarence Nishihara, Chair  
Page 2  
February 2, 2017

insurance companies and found that fire fighters in the State are also experiencing elevated levels of exposure to the effects of cancer-related diseases which correlate Hawaii's information with the national studies.

It is hoped that this bill will provide the fire fighter and his/her family with the financial and moral support they need during this crisis.

The SFC and the HFD urge your committees' passage of SB 383 for the welfare of our fire fighters.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Neves', with a stylized flourish at the end.

MANUEL P. NEVES  
Chair

MPN/LR:clc