

HB2375 HD1

Measure Title: RELATING TO TEMPORARY DISABILITY INSURANCE.

Report Title: Temporary Disability Insurance; Disability Certification; Submission of Wage and Employment Information; Hearing Location; Service; Notice

Description: Permits advanced practice registered nurses to certify an employee's disability. Increases the penalty an employer is assessed for failing to submit timely wage and employment information. Permits filing of an appeal of a decision related to temporary disability insurance at the various offices of the Department of Labor and Industrial Relations throughout the State. Allows the department to send notices of hearing electronically or by first-class mail. Clarifies that when the notice of hearing cannot be delivered to a party in the appeal, the notice may be given by online posting on the department's webpage. Allows the parties to a hearing to appear in person, via telephone, or by other communication devices. (HB2375 HD1)

Companion: [SB2802](#)

Package: Governor

Current Referral: LBR/CPH, JDC

Introducer(s): SAIKI (Introduced by request of another party)

<u>Sort by</u> <u>Date</u>		Status Text
1/22/2018	H	Pending introduction.
1/24/2018	H	Introduced and Pass First Reading.
1/29/2018	H	Referred to LAB, CPC, FIN, referral sheet 9
2/1/2018	H	Bill scheduled to be heard by LAB on Tuesday, 02-06-18 10:30AM in House conference room 309.
2/6/2018	H	The committees on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Johanson, Holt, Evans, Ichiyama, Keohokalole, Yamashita, Matsumoto; Ayes with reservations: none; Noes: none; and Excused: none.
2/9/2018	H	Reported from LAB (Stand. Com. Rep. No. 244-18) as amended in HD 1, recommending passage on Second Reading and referral to CPC.
2/9/2018	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on CPC with none voting aye with reservations; none voting no (0) and Representative(s) Har, McDermott, Souki, Tupola, Woodson excused (5).
2/9/2018	H	Bill scheduled to be heard by CPC on Tuesday, 02-13-18 2:00PM in House conference room 329.
2/13/2018	H	The committees on CPC recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 10 Ayes: Representative(s) Takumi, Ichiyama, Aquino, Ito, LoPresti, Mizuno, Say, Tokioka, Yamane, McDermott; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Johanson.
2/16/2018	H	Reported from CPC (Stand. Com. Rep. No. 540-18), recommending referral to FIN.
2/16/2018	H	Report adopted; referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) DeCoite, Ing, Nakamura, Onishi, Woodson excused (5).
2/20/2018	H	Bill scheduled to be heard by FIN on Thursday, 02-22-18 1:30PM in House conference room 308.
2/22/2018	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 13 Ayes: Representative(s) Luke, Cullen, Cachola, DeCoite, Fukumoto, Gates, Holt, Kobayashi, Lowen, Nakamura, Todd, Yamashita, Ward; Ayes with reservations: none; 0 Noes: none; and 2 Excused: Representative(s) Keohokalole, Tupola.
3/2/2018	H	Reported from FIN (Stand. Com. Rep. No. 943-18), recommending passage on Third Reading.
3/2/2018	H	Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Ing, San Buenaventura, Say, Yamane excused (4). Transmitted to Senate.
3/6/2018	S	Received from House (Hse. Com. No. 220).
3/6/2018	S	Passed First Reading.

3/6/2018 S Referred to LBR/CPH, JDC.

3/14/2018 S The committee(s) on LBR/CPH has scheduled a public hearing on 03-21-18 9:00AM in conference room 229.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

HB2375 HD1

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LEONARD HOSHIGO
DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 21, 2018

To: The Honorable Jill N. Tokuda, Chair,
The Honorable J. Kalani English, Vice Chair, and
Members of the Senate Committee on Labor

The Honorable Rosalyn H. Baker, Chair,
The Honorable Jill N. Tokuda, Vice Chair, and
Members of the Senate Committee on Commerce, Consumer Protection &
Health

Date: Wednesday, March 21, 2018
Time: 9:00 a.m.
Place: Conference Room 229, State Capitol

From: Leonard Hoshijo, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. NO. 2375 HD1 RELATING TO TEMPORARY DISABILITY INSURANCE

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal seeks to amend chapter 392, Hawaii Revised Statutes (HRS), the Temporary Disability Insurance (TDI) law, by allowing greater flexibility as to who can certify a disability, where an appeal may be filed, where a hearing may be held, in the methods used to send notices of hearing, and in the conduct of hearings. The proposal also seeks to increase the penalty when an employer fails to provide timely information on a claim.

DLIR strongly supports this Departmental measure.

II. CURRENT LAW

Chapter 392, HRS, requires that a physician certify the disability. However, this does not align with the intent of the Legislature to allow an Advanced Practice Registered Nurse (APRN) to serve as a care provider pursuant to Act 183, Session Laws of Hawaii 2016.

The current penalty for employers who do not provide wage and employment information within seven days from an insurance carrier's request is \$10 per delinquent request as inserted in the law in 1973.

TDI appeals must be filed at the office of the Department in the county where the employee resides or in the county where the employee was employed prior to the disability. The appeal must be heard in the county where the appeal was filed.

The hearing process currently follows the procedures required under chapter 91, HRS, regarding how hearing notices are delivered. Chapter 91, HRS, requires notices to be sent to all parties by registered or certified mail with return receipt requested and requires the department to publish the notice of hearing in a newspaper of general circulation when the notice of hearing is refused or is undeliverable.

III. COMMENTS ON THE HOUSE BILL

DLIR strongly supports the proposal for the following reasons:

- Employees will be allowed to have APRNs certify the disability after receiving treatment, giving employees additional provider choices, especially employees residing in rural areas.
- The increased penalty from \$10 to \$250 per request will serve as an incentive to employers to provide prompt information, thus allowing employees to receive prompt benefit payments.
- By removing the requirement to submit an appeal to a specific location, DLIR intends to modernize the process so employees will also be able to submit electronically.
- Similarly, instead of limiting the hearing location to the county office where the employee was employed or resided at the time of the disability, the department will be able to hold a hearing in another county if the need arises. For example, the employee may be permanently or temporarily living in another county for medical treatment or other reasons.
- In the case a party objects to the location of the hearing, then the hearing "shall be heard in the county in which the employee resides or in which the employee was employed prior to the employee's disability."
- DLIR will be able to send notices of hearing electronically or by first class mail, rather than by registered or certified mail with return receipt requested as currently required by chapter 91, HRS. This will expedite the notice process and may be more convenient for the parties.
- When the notice of hearing cannot be delivered to a party, the notice will be given by online posting on the department's webpage. The online posting

provision in the measure mirrors a similar provision in section 371-4, HRS, which allows the Labor and Industrial Relations Appeals Board to post notices electronically if service by first class mail is not made. For the hearings held under chapter 392 in 2017, and in the years prior, DLIR staff does not recall a party attending a hearing when noticed by publishing in a newspaper of general circulation pursuant to chapter 91.

- By allowing hearings to be held not only in person but also via telephone or by other communication devices, the department can accommodate parties that are not located on the same island and reduce travel time and costs for the parties.
- The proposal clarifies that a decision can be issued based on available information if any party to the hearing fails to appear at the hearing, which will help reduce the backlog of untimely appeals in which one of the parties usually fails to appear and benefits are not awarded.



**Written Testimony Presented Before the
Senate Committee on Labor
and
Senate Committee on Commerce, Consumer Protection, and Health
March 21, 2018 9:00 a.m.
by**

**Laura Reichhardt, MS, APRN, NP-C, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

**IN STRONG SUPPORT
HB 2375, HD1 RELATING TO TEMPORARY DISABILITY INSURANCE**

Chair Tokuda, Vice Chair English, Chair Baker, Vice Chair Tokuda, members of the Senate Committee on Labor, and members of the Senate Committee on Commerce, Consumer Protection, and Health, thank you for this opportunity to provide testimony in strong support of HB 2375, HD1's intent to include advanced practice registered nurses (APRNs) in the list of providers who may certify the temporary disability of a claimant. This testimony is in regard to only the content found in the following section: **§392-26 Care by physician, advanced practice registered nurse, or equivalent required.**

Thanks to the wisdom and stewardship of the Legislature, removal of state regulatory barriers to APRN scope of practice, which now allows full practice authority, has led to a rapid increase in the number of APRNs licensed in the state. According to the research and analysis conducted by the Hawai'i State Center for Nursing (HSCN), APRNs in Hawai'i have grown 104% since 2005. Today, there are 1,092 active in-state APRNs in Hawai'i. Overall, 53% of the APRN workforce is practicing in a primary care specialty. APRNs work in all regions of the state and are likely to work in HRSA-defined primary care shortage areas: 100% of Hawai'i County and Kaua'i County and 75% of Maui County APRNs responding to the HSCN Nursing Supply Survey work in a HPSA area, and 100% of nurses in these three counties, as well as nearly 5% in Honolulu City and County work in a HRSA-Defined Medically Underserved Area/Population. Over 25% of APRNs work in OMB-defined Rural Counties.

APRNs are responding to the call for health care service in primary care and in rural, underserved, and neighbor island communities across the state. By enabling them to certify for temporary disability insurance, people in Hawai'i will be able to receive timely, high quality care by the provider that is already providing their care.

Therefore, the HSCN respectfully supports the language pertaining to APRNs and requests the favorable consideration of this language in HB 2375, HD1. We appreciate your continuing support of nursing and accessible, quality health care in Hawai'i. Thank you for the opportunity to testify.

From: [Celeste Baldwin](#)
To: [LBR Testimony](#)
Subject: Testimony for HB 2375 HD1
Date: Wednesday, March 14, 2018 12:40:53 PM

Dear Colleagues,

I am writing in enthusiastic support of HB2375 HD1. As an Advanced Practice Registered Nurse (APRN) and nursing faculty teaching Nurse Practitioners, I feel this bill expands the ability of the APRN to help decrease the load of physicians by providing needed disability benefits to our community. Due to the severe physician shortage in Hawaii, it is imperative that we expand the role of the APRN so that they can provide care to a wider range of patients. This bill allows for this.

HB2375 HD1 states that:

"Permits advanced practice registered nurses to certify an employee's disability. Increases the penalty an employer is assessed for failing to submit timely wage and employment information. Permits filing of an appeal of a decision related to temporary disability insurance at the various offices of the Department of Labor and Industrial Relations throughout the State. Allows the department to send notices of hearing electronically or by first-class mail. Clarifies that when the notice of hearing cannot be delivered to a party in the appeal, the notice may be given by online posting on the department's webpage. Allows the parties to a hearing to appear in person, via telephone, or by other communication devices. (HB2375 HD1)"

Please consider the importance this bill has in reducing the patient workload on practicing physicians.

Mahalo,
Celeste M. Baldwin, PhD, APRN, CNS

**Written Testimony Presented Before the
Senate Committee on Labor
and
Senate Committee on Commerce, Consumer Protection, and Health
March 21, 2018 9:00 a.m.
by**

Beth Hoban, RN

**IN STRONG SUPPORT
HB 2375, HD1 RELATING TO TEMPORARY DISABILITY INSURANCE**

Chair Tokuda, Vice Chair English, Chair Baker, Vice Chair Tokuda, members of the Senate Committee on Labor, and members of the Senate Committee on Commerce, Consumer Protection, and Health, thank you for this opportunity to provide testimony in strong support of HB 2375, HD1's intent to include advanced practice registered nurses (APRNs) in the list of providers who may certify the temporary disability of a claimant. This testimony is in regard to only the content found in the following section: **§392-26 Care by physician, advanced practice registered nurse, or equivalent required.**

Thanks to the wisdom and stewardship of the Legislature, removal of state regulatory barriers to APRN scope of practice, which now allows full practice authority, has led to a rapid increase in the number of APRNs licensed in the state. According to the research and analysis conducted by the Hawai'i State Center for Nursing (HSCN), APRNs in Hawai'i have grown 104% since 2005. Today, there are 1,092 active in-state APRNs in Hawai'i. Overall, 53% of the APRN workforce is practicing in a primary care specialty. APRNs work in all regions of the state and are likely to work in HRSA-defined primary care shortage areas: 100% of Hawai'i County and Kaua'i County and 75% of Maui County APRNs responding to the HSCN Nursing Supply Survey work in a HPSA area, and 100% of nurses in these three counties, as well as nearly 5% in Honolulu City and County work in a HRSA-Defined Medically Underserved Area/Population. Over 25% of APRNs work in OMB-defined Rural Counties.

APRNs are responding to the call for health care service in primary care and in rural, underserved, and neighbor island communities across the state. By enabling them to certify for temporary disability insurance, people in Hawai'i will be able to receive timely, high quality care by the provider that is already providing their care.

Therefore I, Beth Hoban, respectfully supports the language pertaining to APRNs and requests the favorable consideration of this language in HB 2375, HD1. We appreciate your continuing support of nursing and accessible, quality health care in Hawai'i. Thank you for the opportunity to testify.

HB-2375-HD-1

Submitted on: 3/14/2018 9:10:35 PM

Testimony for LBR on 3/21/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments:

Representatives,

APRNs serve in many primary care roles and it makes sense to allow practice to the full extent of licensure.

I urge you to support this measure by voting to move this measure to the full legislature. I appreciate the opportunity to submit testimony on this important issue.

HB-2375-HD-1

Submitted on: 3/15/2018 2:33:07 AM

Testimony for LBR on 3/21/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Yokouchi	Individual	Support	No

Comments:

In strong support.

HB-2375-HD-1

Submitted on: 3/15/2018 7:48:37 PM

Testimony for LBR on 3/21/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Support	No

Comments:

Mahalo for supporting this bill allowing APRNs to take care of our patients without asking our physician colleagues to sign forms we have completed.