

**HB-2377**

Submitted on: 2/5/2018 1:30:45 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yvonne Ferguson	Vocational Management Consultants, Inc.	Oppose	No

Comments:

**LATE**



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

830 PUNCHBOWL STREET, ROOM 321

HONOLULU, HAWAII 96813

[www.labor.hawaii.gov](http://www.labor.hawaii.gov)

Phone: (808) 586-8844 / Fax: (808) 586-9099

Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

February 6, 2018

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

Date: Tuesday, February 6, 2018  
Time: 10:30 a.m.  
Place: Conference Room 309, State Capitol

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

**Re: H.B. No. 2377 RELATING TO WORKERS' COMPENSATION**

**I. OVERVIEW OF PROPOSED LEGISLATION**

HB2377 proposes to amend section 386-25, Hawaii Revised Statutes (HRS), subsection (e) and (f) to create a two-year limit for a submitted vocational rehabilitation plan, which with plan changes, permits provision of VR services beyond two years. The measure also establishes a hierarchy of options for injured workers who may be qualified for re-training. Section 2 of this bill proposes a housekeeping amendment to §386-71.5.

DLIR supports this Departmental measure.

**II. CURRENT LAW**

Section 386-25, (HRS), states that the, "purposes of vocational rehabilitation are to restore an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner."

**III. COMMENTS ON THE HOUSE BILL**

DLIR recognizes that restoring an injured worker to suitable gainful employment as quickly as possible in a cost-effective manner is challenging with Hawaii's limited

labor market. The measure helps return the injured worker to a job as quickly as possible pursuant to the intent of vocational rehabilitation by:

- a. Establishing a job placement hierarchy by prioritizing on-the-job and short-term training over long-term training and self-employment. The provision prioritizes job placement with self-employment as least favored. DLIR is concerned with VR plans considering self-employment without the injured worker properly understanding what it takes to start or run a business as well as the time it takes to mature a business to receive comparable pre-injury earnings. Moreover, the Bureau of Labor Statistics' reports that a high percentage of small businesses fail within the first 2 years.
- b. Limiting training timeframes and delivery of services. The provision encourages injured workers to return to work as soon as possible by creating time limits. In determining an appropriate time for VR services, DLIR looked at what other states allow. Seventeen<sup>1</sup> states explicitly limit VR services ranging from six months to two years. Only eight of the seventeen states allow for extensions with good cause. Other states use a variety of mechanisms to prescribe time frames in VR plans, including inhouse VR counselors, training vouchers, procedures and rules to deny or revoke VR plans, among others.

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<sup>1</sup> Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, North Dakota, and Washington.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 11:30:49 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
marcia	berkowitz	Oppose	No

Comments:

Having been a certified vocational counselor for several years, I am against the arbitrary cap as each injured worker is unique. I have clients who only require six months or so of training, others longer dependent upon their wages at time of injury, the nature and extend of their injury, and the labor market and training options available to them

Thank you for your time and attention to my testimony.

Sincerely Marcia A. Berkowitz, CRC, LMHC

**LATE**

**LATE**

DAVID Y. IGE  
GOVERNOR



RYKER WADA  
INTERIM DIRECTOR

JASON MINAMI  
DEPUTY DIRECTOR

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

February 2, 2018

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

For Hearing on Tuesday, February 6, 2018  
10:30 a.m., Conference Room 309

BY

RYKER WADA  
INTERIM DIRECTOR

**House Bill No. 2377**  
**Relating to Workers' Compensation**

TO CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE  
COMMITTEE:

Thank you for the opportunity to testify in **strong support** of H.B. 2377.

The purpose of H.B. 2377, is to create a hierarchy of options for injured workers who require retraining and creates time limits (two years) for vocational rehabilitation plans.

Because injured employees' of the State of Hawaii might not be retained after a job search process through the State's Return to Work Priority Program, additional vocational services which includes training, would benefit employees with becoming more marketable and gaining "new" skills for the workforce. The Department of Human Resources Development ("DHRD") believes H.B. 2377 will create reasonable training opportunities and options for injured workers which would increase marketability and employability of the injured person.

The DHRD believes H.B. 2377 would concentrate on vocational plans being

executed within a reasonable time which fulfills the premise of Section 386-25, HRS, which is to “return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner.” The bill will streamline vocational services which will reduce workers’ compensation expenses but allow employees to re-enter the workforce in a timely fashion with a higher probability to gain employment.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 12:38:17 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beverly Tokumine	Vocational Rehabilitation	Oppose	No

Comments:

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**HB 2377**

Thank you for the opportunity to present testimony of HB2377. My name is Beverly Tokumine, M. Ed. CRC; I am employed wit Vocational Management Consultants, Inc. I have worked as a vocational rehabilitation cousleor for over 15 years, but within the vocational rehabilitation industry for over 33 years. ***I respectfully oppose the HB 2377, which limits the VR service to 2 years.***

Our vocational rehabilitation services generally average under 2 years, but there of some Client who may experience medical difficulties, which due to denials to medical treatments, may prolong with time to over 2 years.

Once again, ***I respectfully oppose to the HB 2377.***

Submitted by,

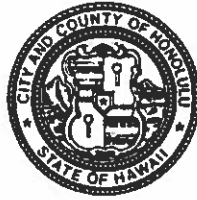
**LATE**

**Beverly Tokumine**

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

850 SOUTH KING STREET, 10<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: [www.honolulu.gov/hr](http://www.honolulu.gov/hr)

KIRK CALDWELL  
MAYOR



CAROLEE C. KUBO  
DIRECTOR

NOEL T. ONO  
ASSISTANT DIRECTOR

February 6, 2018

The Honorable Aaron Ling Johanson, Chair  
The Honorable Daniel Holt, Vice 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, Vice Chair Holt, and Members of the Committee:

**SUBJECT: House Bill No. 2377  
Relating to Workers' Compensation**

H.B. 2377 creates a hierarchy of options for injured workers who require retraining and creates time limits (two years) for vocational rehabilitation plans.

The City and County of Honolulu, Department of Human Resources, fully supports this measure.

The City believes that the provisions of H.B. 2377 are in full accord with one of the Hawaii Workers' Compensation Law's primary purposes for vocational rehabilitation, set forth in Section 386-25, HRS, which is to "return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner." (Emphases added.) For the City's injured employees who are no longer able to return to City employment after six months in the City's Priority Placement Program, additional VR services may be necessary for them to return to the workforce. This bill would help to focus such VR services on returning the injured worker back to suitable gainful employment with the minimum amount of training required for their employment goal, particularly on the job training, which has a higher chance of resulting in employment with the employer providing the training.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Carolee C. Kubo".

Carolee C. Kubo  
Director



**HB-2377**

Submitted on: 2/4/2018 2:50:48 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
laurie hamano	VMC	Oppose	No

Comments:

Thank you for this opportunity to provide testimony to this committee. My name is Laurie H. Hamano and I am opposed to this bill. The bill asks for a cap of two years on the training for injured workers as well as a cap on the vocational rehabilitation services to two years. It does not make sense where the bill caps the services to two years and in the next sentence it caps the services for training to only two years.

In the past 2 years another bill attempted to cap the vocational rehabilitation services to two years but when the research was completed and provided to the committee from the VR Counselors the average time in vocational rehabilitation services were less than two years. Therefore, it was not considered an appropriate bill. It was "pulled" by the Chamber of Commerce who introduced the bill.

The HB 2377 bill caps the training for injured workers to two years. This again does not seem to be appropriate as some training programs require prerequisites to the course work; making the training time more than two years. Again, this will discriminate against the injured workers attempting to return to their suitable and gainful wages.

Due to the flaws on this bill, please do not allow this bill to move forward.

Thank you for allowing me to place this testimony before this committee.

Laurie H. Hamano M. Ed. CRC LMHC

**LATE**

**HB-2377**

Submitted on: 2/5/2018 3:30:27 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kirsten Yonamine	Vocational Management Consultants	Oppose	No

Comments:

February 5, 2018

**LATE**

HOUSE OF REPRESENTATIVES

The Twenty-Ninth Legislature

Regular Session of 2018

Committee on Labor & Public Employment

Rep. Aaron Ling Johnson, Chair

Rep. Daniel Holt, Vice Chair

State Capitol, Conference Room 309

Tuesday, February 6, 2018, 10:30 a.m.

**In Opposition of HB 2377: Relating to Worker's Compensation**

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

My name is Kirsten Harada Yonamine. I am a vocational rehabilitation counselor who has been in practice for over 20 years. I assist injured workers' in their return to work process and am part of a very small community of service providers who provide this service. I **oppose HB 2377** and the proposed two year cap on long term training and timeframes for delivery of services.

Section 386-25 HRS indicates, "The purpose of vocational rehabilitation are to restore an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost effective manner."

My concern is that a cap on services would limit the scope of services to especially the more severely disabled and/or higher wage earners who require more individualized services and often times longer retraining options to return them back to a suitable and gainful level of work.

As a result I am opposed to HB 2377 and ask that you do not pass this bill.

Sincerely,

Kirsten Harada Yonamine, M.Ed., CRC LMHC

President of Vocational Management Consultants

President of International Association of Rehabilitation Professions in Private Sector

My address and phone number is:

715 S. King Street, Suite 410

Honolulu, HI 96813

Phone: 538-8733

To: COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
Rep. Aaron Ling Johanson, Chair  
Rep. Daniel Holt, Vice Chair

From: Lanelle Yamane, MS, CRC, LMHC  
Vocational Rehabilitation Counselor  
120 Pauahi Street, Room 206B  
Hilo, HI 96720

DATE: Tuesday, February 6, 2018  
TIME: 10:30 AM  
PLACE: Conference Room 309  
State Capitol  
415 South Beretania Street

Subject: **Testimony NOT SUPPORTING HB 2377** “Relating to Workers’ Compensation”

My name is Lanelle Yamane and I am a Registered Rehabilitation Specialist with the Department of Labor & Industrial Relations in Hawaii. I have worked as a vocational rehabilitation (VR) counselor for the past 12 years in both the public and private vocational rehabilitation systems. I currently provide vocational rehabilitation services to injured workers in our worker’s compensation system.

As a practicing vocational rehabilitation provider, I seek to help individuals who have acquired a disability from work to return to work within their residual functional capacities and help them lead fulfilling lives once again after an injury that drastically changed their life in more ways than just employment.

The proposed changes to 386-25 that HB 2377 suggests strips claimant's choices regarding training. The language puts the choice in the hands of another party and dictates direction when claimants should be involved in the decision-making process since they are the ones that have to participate in the retraining. The vocational objective the injured worker is allowed to choose for their vocational rehabilitation plan dictates the type of training required and the current law allows for the flexibility needed. VR providers routinely look at the most cost-effective training options and will start with on-the-job training, followed by short-term, then long-term training, and if cost effective will consider self-employment given the vocational objective.

The cap of two years to a VR rehabilitation plan is not fair nor applicable to all injured workers. Injured workers who were earning a high wage at the time of injury and displaced from their occupation and line of work will need training typically lasting longer than two years to equip them with the knowledge, skills, abilities, and credentials needed to qualify for gainful employment again. One example is when a Journeyman Carpenter has sedentary work restrictions and can longer perform carpentry work. He has no transferrable work skills or education that would qualify him for sedentary work and will need training. If he was earning \$40 or more per hour at the time of injury (this pay rate is common for this profession) to get him into an occupation that would give him the opportunity to earn that wage again would require long-term training lasting over two years long and then he would also benefit from job placement services to help him get the job after training and then job follow-up services to make sure he has transitioned back to suitable gainful employment before closing his VR program. The entire VR rehabilitation plan would last longer than two years. The current wording of HRS 386-25 is sufficient and should not be changed in the manner proposed by HB2377.

I am in support of having the Hawaii Department of Labor's Vocational Rehabilitation Unit (VRU) provided more qualified Vocational Rehabilitation Specialist positions to assist the one and only Vocational Rehabilitation Specialist currently employed to handle the abundant amount of work involved in monitoring the VR program in Hawaii. However, all staff hired in the VRU should have the necessary education, work experience, and certifications equivalent to what is currently required of Registered Rehabilitation Specialists in the State of Hawaii since the VRU staff monitor the VR services and program. Having staff that do not have vocational rehabilitation backgrounds

Please DO NOT pass **HB 2377** from your committee.

Thank you for the opportunity to have my comments considered.

Sincerely,

A handwritten signature in cursive script that reads "Lanelle S. Yamane".

Lanelle Yamane, MS, CRC, LMHC  
Vocational Rehabilitation Counselor

HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

NOTICE OF HEARING

DATE: Tuesday, February 6, 2018  
TIME: 10:30 AM  
PLACE: Conference Room 309  
State Capitol  
415 South Beretania Street

Testimony

I am writing to state my concern with HB 2377 Relating to Workers' Compensation. I do not support this bill for the following reasons:

- Hierarchy for Retraining – My VR provider already addresses the need for training and the reason why short-term, long-term, or on-the-job training or self-employment is necessary in the VR rehabilitation plan we turn in. I do not see it necessary to change the law to state the steps when it is customary practice. My counselor, the insurance carrier, and my employer should not be the one solely selecting the type of training I get. I should have a say in the matter just as I have a say about the next occupation I pursue. I did not choose to get hurt on my job and now that I am forced to change my occupation I feel I should have decision making options as I currently have with the way HRS 386-25 is written.
- Two (2) year cap for VR plans – I do not agree that a cap of two years is fair to all injured workers. In my situation, had a two-year cap been the law, I would not have had the support I needed to return to employment. My case would have been closed prematurely. My VR program has helped me to be positive knowing the program will help me to find the right job within my work limitations, has shown me training options, has been a source of emotional support as I adjusted to my disability, and advocates for my rights. The labor market is also very different on each island and injured workers may take more time to find employment due to their work limitations and the lack of job openings in their job market. Another factor that contributes to delays in the overall process is insurance company's often do not pay TTD or mileage on a timely basis and I cannot afford to pay my fixed living expenses let alone the gas to attend my VR meetings and to job search.
- I recommend that all staff within the Dept. of Labor's Vocational Rehabilitation Unit be qualified, meaning have the necessary education, certifications, and experience related to vocational rehabilitation so they can make decisions with a better understanding of how a disability affects an individual and that the decisions from the Vocational Rehabilitation Unit does affect claimants and their family's every day life.

Sincerely,



Burt Takata  
P.O. Box 4522  
Hilo, HI 96720

**HB-2377**

Submitted on: 2/5/2018 3:37:39 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Kristi Kinsella	Vocational Management Consultants	Oppose	No

Comments:

HOUSE OF REPRESENTATIVES

The Twenty-Ninth Legislature

Regular Session of 2018

**LATE**

Committee on Labor & Public Employment

Rep. Aaron Ling Johnson, Chair

Rep. Daniel Holt, Vice Chair

State Capitol, Conference Room 309

Tuesday, February 6, 2018, 10:30 a.m.

My name is Kristi Kinsella, M.S.Ed., CRC. I have worked as a vocational rehabilitation counselor for two years in the state of Hawaii and I **oppose** HB 2377. As a Certified Rehabilitation Counselor, it is my goal to provide individualized services to Hawaii's injured workers as the factors affecting each client differs substantially. In my experience here in Hawaii, I have seen plan denials and case terminations as a result of not enough research to justify a training plan. There has also been an expectation that counselors be able to conduct all the research necessary to submit a plan for all clients, regardless of disability, education or wage level, within a set time frame. Limiting vocational rehabilitation services to two years does not account for high wage earners who must change occupational industries in order to return to work at suitable and gainful levels after acquiring a work injury. Injured workers should not be held to a standardized and inflexible two year cap of services that does not consider their unique circumstances when determining their best suited option for return to work.



Thank you for considering my testimony in your decision making.

Respectfully,

Kristi Kinsella, M.S.Ed., CRC

Vocational Rehabilitation Counselor

Vocational Management Consultants, Inc.

715 S King Street Suite 410 Honolulu, HI 96813

**HB-2377**

Submitted on: 2/5/2018 10:27:55 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stanford H. Masui	Law Offices of Masui-Masui	Oppose	No

Comments:

Chairman Johanson and Members of the Labor and Public Employment Committee:

This bill set an arbitrary time limit for the completion of a vocational rehabilitation program for injured workers. Such a time limit could prevent a successful return to work for injured workers, many of whom may continue to receive medical treatment although deemed ready for a job search. It is impossible to determine in each individual case whether further exploration, training, or education can meet a two year deadline.

Additionally, a plan or program is often interrupted for needed medical treatment, and in some cases, surgery which had been thought unnecessary, aggravation by job search activities, or on the job training, or preliminary transitional work. A premature end to a program by the setting of a time-line would lead to an inability to complete training or job search.

Many injured workers have needs that include remedial high school coursework, English language training, and other training needs that cannot be accomplished in two years. For example, a client I represented with a fourth grade education in Mexico, minimal English-speaking ability and manual labor employment history. The basic reading, writing and English training alone required two years of vocational programming before proceeding to job exploration.

The setting of retraining methods "strait-jackets" injured workers and the vocational counselors to follow a "one-size fits all" program. There is also no rationale basis to believe that the setting of such requirements would enable a faster return to work. It is unlikely that employers would be willing to commit to job-retraining for a year or more. It is more often that such re-training is better accomplished in an educational setting, such as computer classes, community college, or union program. The approach inherently excludes course work and further assumes employer willingness to voluntarily administer re-training, without any incentives to the employer. Finally, self-employment should not be seen as a last resort. Many workers are capable of self-employment, but need to be guided as to the practical aspects, e.g., required licensures, taxation, medical insurance, and customer base, etc.

One positive aspect that deserves consideration is making explicit that the Director of Labor and Industrial Relations administers the Vocational Rehabilitation Branch as part of the department, rather than a "rogue" section that answers only to itself. Thank you for your consideration.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 4:17:59 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donald Kegler	CCase Management Works Hi. Inc.	Oppose	No

Comments:

My name is Donald Kegler; I have been a vocational rehabilitation counselor in the state of Hawaii since 1980. I am testifying in opposition to HB 2377 section 1 (4)(C).. By establishing an arbitrary timeframe of not more than two years this contradicts section 386 – 25 (a) which reads "The purposes of vocational rehabilitation are to restore an injured workers earnings capacity as nearly as possible to that level that the worker was earning at the time of injury". This would discriminate against the high wage earner by limiting access the programs that would in fact allow this individual to restore their wage "as nearly as possible to that level that the worker was earning at the time of injury". By passing this legislation the higher wage earner would not have the option of choosing the most appropriate program to restore his wage and the primary purpose of vocational rehabilitation would not be met.

**LATE**

**LATE**

**HB-2377**

Submitted on: 2/5/2018 5:09:38 PM  
Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kay Ray	Case Management Works	Oppose	No

Comments:

My name is Kay Ray; I have been a vocational rehabilitation counselor in the State of Hawaii for the past 25 years. I am testifying against HB 2377 section 1 (4)(C) which establishes an arbitrary timeframe of not more than two years for training and is contrary to Section 386-25(a): the purpose of vocational rehabilitation is to restore an injured worker's earnings capacity as nearly as possible to that level the worker was earning at the time of injury. Thus higher wage earners would face discrimination, limiting access to programs that would allow them to restore their wages, "as nearly as possible" to what they earned at the time of injury. By passing this legislation, these injured workers would not have the option of choosing the most appropriate program to restore their wages; thus, the primary purpose of vocational rehabilitation would not be satisfied.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 11:37:15 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Moore		Oppose	No

Comments:

Aloha: dear Honorable Chair & Members of committee: a 2 year cap is unreasonable. In my extensive experience as a work comp lawyer, many severely injured workers need more than 2 years to be successfully rehabilitated and be returned to the work force as productive citizens. The humanitarian intent of workers compensation is to assist injured workers by providing them with rehabilitative benefits, not by depriving them of such benefits. Please do not support this bill's 2 year cap. mahalo

**LATE**

**LATE**

## TESTIMONY OF ALISON UEOKA

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

Tuesday, February 6, 2018  
10:30 a.m.

### **HB 2377**

Chair Johanson, Vice Chair Holt, and members of the Committee on Labor & Public Employment, my name is Alison Ueoka, President of the Hawaii Insurers Council. The 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.

The Hawaii Insurers Council **supports** this bill. The bill puts in place a process in order of priority for the vocational rehabilitation program under workers compensation insurance. The bill also gives the Department the necessary oversight in which to assist injured workers in their retraining and ultimate return to work. We believe these changes will benefit the injured worker.

Thank you for the opportunity to testify.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 10:50:55 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tony hunstiger		Oppose	No

Comments:

I'm testifying in strong opposition to House Bill 2377. My name is Tony Hunstiger and I am a vocational rehabilitation counselor. I have worked with injured workers throughout the State of Hawaii for the past 20 years.

State law (386-25) lists two purposes of vocational rehabilitation. The first purpose listed is "to restore an injured workers earning capacity." Placing a limit of two years on vocational rehabilitation services is contrary to this defining purpose.

If a worker is making \$15 an hour or more at the time they are injured and they cannot return to their usual trade, in all likelihood they will need training to an associates degree level at least. They will need time to develop a vocational rehab plan, to take any remedial classes they need, to complete four or more semesters of classes needed for graduation, and then complete a standard 120 day job search. Two years is not enough time to do all this.

I am in support of having the VR unit administered by the director. Currently the VR unit staff has no accountability, bad decisions are being made, and injured workers are unnecessarily being sent to hearings. Furthermore, the following sentence should be added to ensure VR unit staff is qualified to with the expertise and judgment to make determinations about VR issues:

Rehabilitation unit. There is established within the department of labor and industrial relations a rehabilitation unit. All professional and clerical employees of this unit shall be appointed and administered by the director. The supervising employee of this unit shall have the minimum qualification of being a Certified Rehabilitation Counselor (CRC) with one year of workers' compensation field experience.

Please remove any time limit on VR services as this would defeat the purpose of VR and add oversight and qualifications to improve the expertise of the VR unit.

Thank you for this opportunity to testify

**LATE**





**LATE**

**HB-2377**

Submitted on: 2/5/2018 11:08:27 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lily Miyahira		Oppose	No

Comments:

I am not in agreement with HB2377. In some cases, putting a two year cap on training may put the employee back to work but, not to suitable and gainful employment.

**LATE**

**LATE**

**LATE**

**HB-2377**

Submitted on: 2/5/2018 12:57:06 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Narita San T. Meana		Oppose	No

Comments:

Monday, February 5, 2018

Opposition to H.B. No. 2377, Relating to Worker's Compensation.

I am writing in strong opposition of HB2377, which would create a hierarchy of options for injured workers who require retraining; and create time limits (two years) for vocational rehabilitation plans.

As an Intern with Vocational Management Consultants, I have helped to facilitate our clients efforts to regain employment after injury. Placing limitations on Vocational Rehabilitation (VR) plans not to exceed two years defeats the purpose of vocational rehabilitation as it is written in §386-25 (a) to restore an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective matter. Some of our clients circumstances, to include, but not limited to being placed on a medical hold and/or pending lengthy approval processes for medical treatment in order to progress to the point where they are able to return back to work. This is an indication that time limitations on plans ultimately does not serve our injured workers with proper intent, especially when approval processes that take time, take up a lot of time in the process.

In closing, I reiterate my support to strongly OPPOSE H.B. No. 2377; and urge our legislators to understand why limiting vocational rehabilitation services is in action that will impede our injured workers from achieving their vocational goals. As a future Vocational Rehabilitation Counselor, I am motivated to help our injured clients; and advocate strongly on their behalf.

Sincerely,  
Narita San T. Meana

**HB-2377**

Submitted on: 2/5/2018 9:53:06 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betty Sestak		Oppose	No

Comments:

Mainly oppose because of the 2 year limit. Is not realistic for many injured workers.

**HB-2377**

Submitted on: 2/5/2018 8:55:43 PM

Testimony for LAB on 2/6/2018 10:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Romaine		Oppose	No

Comments:

As a graduate student of vocational rehabilitation through UH Manoa, I am inspired by the dedication of rehabilitation counselors, private and public, who advocate for their clients to achieve the greatest possible degree of independence. I am hopeful that the systems in place will allow enthusiastic new rehabilitation professionals like myself to consider workers compensation rehabilitation as an honorable and viable career worth pursuing. However, in all honesty, bills such as this that threaten to create a two year cap for injured workers within a system that clearly is stalled by complications/greed of insurance adjusters and legal decisions really make me wonder if such a pursuit would be an ongoing uphill battle. What a shame if this bill succeeds because the entire purpose of the workers compensation program is to bring injured workers back to pre-injury status and job, or as close as is possible. To arbitrarily establish a two year mark at which injured workers must reach the point of re-entry into a satisfying work environment denies the obvious fact that individuals heal and progress at different rates; some require more than two years. Are not these injured workers worthy of a fair shot at getting their feet back on the ground and building a new life, perhaps new career, to live a life of quality and value? Or do we prefer they live on government benefits? Or is this actually an attempt to eradicate the entire pro-worker aspect of the workers compensation system? Please note I strongly oppose this bill.

**LATE**

**HB-2377**

Submitted on: 2/5/2018 10:27:50 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Adam Yonamine		Oppose	No

Comments:

**HB-2377**

Submitted on: 2/5/2018 10:12:38 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joesph F. Zuiker, Esq.		Oppose	No

Comments:

Testimony in Opposition to HB2377: Which Creates An Artificial 2 year cap on Vocational Rehabilitation Services

This bill makes no sense. It creates an artificial limit on VR Services regardless of the extent of the injured workers injury, prior salary, post accident physical capacity.

The current VR claim costs are generated by Insurance Adjuster delays in claims' processing; not by VR counselors or injured workers who do not want to return to work

Respectfully submitted:

JOSEPH F. ZUIKER

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A Law Corporation  
1188 Bishop Street, Suite 1111  
Honolulu, Hawaii, 96813

Tele: 523-1142

Facsimile 534-0023

**HB-2377**

Submitted on: 2/6/2018 9:43:24 AM

Testimony for LAB on 2/6/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannie Lum	UH	Oppose	No

Comments:

Testimony submitted by:

Jeannie Lum, Ph.D.

retired UH professor

**LATE**

[COMMITTEE ON LABOR & PUBLIC EMPLOYMENT](#)

Rep. Aaron Ling Johanson, Chair

Rep. Daniel Holt, Vice Chair

Rep. Cindy Evans

Rep. Kyle T. Yamashita

Rep. Linda Ichiyama

Rep. Lauren Kealohilani  
Matsumoto

Rep. Jarrett

Keohokalole

**NOTICE OF HEARING**

DATE: Tuesday, February 6, 2018

TIME: 10:30 AM

Conference Room 309

PLACE: State Capitol

415 South Beretania Street



## RELATING TO WORKERS' COMPENSATION.

### Status

Creates a hierarchy of options for injured workers who require retraining.  
Creates time limits (two years) for vocational rehabilitation plans.

The vocational rehabilitation plans should not be limited to two (2 ) years.

The Vocational management consultation services is the only organization that successfully gets injured workers back to work due to a flawed state workers compensation system.

1. Employers initiate delays in services to workers' compensation filers through retaliation practices such as refusing to accept valid health reports from state certified physicians and therapists.
2. Employers initiate additional delays by insisting on additional physical and psychological reviews of wc filers which are not really necessary.
3. WC injured workers are forced to hire wc lawyers who take long stretches of time in managing their cases because they are overloaded with cases.
4. Most physicians and health providers refuse to take on wc cases because of the paperwork of the bureaucracy, the refusals and additional work required by insurance companies, and thus the pool of health providers who are willing to service wc injured workers is miniscule.
6. It is the interests of the employers and the insurance companies that this bill has been moved forward and not the interests of the injured worker.
7. The state workers compensation division is inefficient and sometime misfile cases through clerical errors.
8. For these reasons I've identified above and many others, the vocational management plans should not be limited to 2 years.

The vocational management consulting services are the only ones who adequately account for the actual health and progress of getting injured workers back to work. They are the middle persons who go between and are able to successfully communicate and bring together the employer, the lawyers, the health providers and the injured worker's real needs where others fail miserably because they are isolated in the process.

Cases sometimes take longer than 2 years because the REAL needs of the injured worker require more time for healing post-injury as well. To cap the plan period is only going to result in further physical and psychological injury to the worker, additions to the homeless population in Hawaii, and adding another requirement that serves the interest of the insurance companies and not the interests of injured workers.

VMC services to injured workers is the only agency that successfully manages the return of injured workers to the workplace and should be supported and included in determining the proper and effective policies governing wc.