

SB 2660

HD1

A BILL FOR AN ACT

RELATING TO MEDICAL COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that firefighters can be
2 exposed to contaminants from fires that are known or suspected
3 to cause cancer. Firefighters are exposed to multiple
4 carcinogens and toxicants through incident exposure as
5 residential and vehicle fires release highly concentrated
6 toxicants from plastics and synthetics. In October 2013,
7 researchers from the National Institute for Occupational Safety
8 and Health published a study that found that firefighters have a
9 higher risk than the general population of being diagnosed with
10 cancer. The study looked at cancers and cancer deaths among
11 30,000 firefighters from Chicago, Philadelphia, and San
12 Francisco fire departments and found that cancers of the
13 respiratory, digestive, and urinary systems accounted for most
14 of the higher rates of cancer in the study population,
15 suggesting that firefighters are more likely to develop these
16 types of cancers. Additionally, a study in 2005 showed that
17 firefighters have significantly higher risks than the general



1 population of getting testicular cancer, multiple myeloma, non-
2 Hodgkin's lymphoma, skin cancer, brain and malignant melanoma,
3 rectal cancer, prostate cancer, buccal cavity and pharynx
4 cancer, stomach cancer, colon cancer, and leukemia. The Hawaii
5 Medical Service Association conducted a review of its members
6 who were Hawaii firefighters in collective bargaining unit (11)
7 over a defined period of time to estimate the incidence of
8 cancer among certain Hawaii Fire Fighters Association members
9 compared to a comparable population of Hawaii Medical Service
10 Association members. Although the study was limited to two
11 thousand male firefighters, the data showed that cancer rates
12 among members of the Hawaii Fire Fighters Association were much
13 higher than the general population for leukemia, buccal and
14 pharynx cancer, colon cancer, prostate cancer, and brain and
15 malignant melanoma.

16 The legislature further finds that H.C.R. No. 32, H.D. 1,
17 S.D. 1, regular session of 2016, requested the convening of a
18 task force to examine cancer in the firefighting profession.
19 The task force discussed, among other things, recommendations
20 for revisions to state workers' compensation laws that expedite
21 the delivery of workers' compensation medical and other benefits



1 for firefighters diagnosed with cancer, the percentages of
2 cancer diagnoses in Hawaii for the general population compared
3 to firefighters, and estimated costs to the State and counties
4 if there were to be an acceleration of workers' compensation
5 benefits for firefighters diagnosed with cancer. These
6 discussions led to the discovery that others states, such as
7 Arizona, California, Nevada, North Dakota, and Virginia, have
8 legislation that specifically mentions coverage of occupational
9 diseases for firefighters due to the higher risks of contaminant
10 exposure for firefighters.

11 The legislature notes that providing sufficient medical
12 coverage for firefighters recognizes the inherent occupational
13 hazards that come with the job, ensures that firefighters
14 receive proper medical treatment in a timely manner, and lessens
15 the impact of emotional toil, financial burdens, and decreased
16 quality of life on the families of firefighters diagnosed with
17 cancer.

18 The purpose of this Act is to:

19 (1) In the event of a controverted workers' compensation
20 claim, require an injured employee's private health
21 care plan to pay for or provide medical care,



1 services, and supplies; provided that when the claim
2 is accepted, the employer shall reimburse the private
3 health care plan and injured employee; and

4 (2) In the event of an accepted workers' compensation
5 claim for leukemia, multiple myeloma, non-Hodgkin's
6 lymphoma, or certain cancers by a firefighter with
7 five or more years of service, require an employer to
8 be liable for medical care, services, and supplies up
9 to one hundred thirty-seven per cent of fees
10 prescribed in the Medicare Resource-Based Relative
11 Value Scale.

12 SECTION 2. Chapter 386, Hawaii Revised Statutes, is
13 amended by adding two new sections to part II to be
14 appropriately designated and to read as follows:

15 "§386- Medical care, services, and supplies for
16 controverted claims. In the event of a controverted claim, the
17 injured employee's private health care plan shall pay for or
18 provide medical care, services, and supplies in accordance with
19 the private health care contract. When the claim is accepted or
20 determined to be compensable, the employer shall reimburse the
21 private health care plan and the injured employee in such



1 amounts as authorized by this chapter and rules adopted by the
2 department.

3 §386- Medical care, services, and supplies for
4 firefighters suffering from cancer. If a claim for leukemia,
5 multiple myeloma, non-Hodgkin's lymphoma, or cancer of the lung,
6 brain, stomach, esophagus, intestines, rectum, kidney, bladder,
7 prostate, or testes filed by a firefighter with five or more
8 years of service as a firefighter is accepted or determined to
9 be compensable, section 386-21 remains applicable; provided that
10 the employer shall be liable for medical care, services, and
11 supplies not to exceed one hundred thirty-seven per cent of fees
12 prescribed in the Medicare Resource Based Relative Value Scale
13 applicable to Hawaii as prepared by the United States Department
14 of Health and Human Services."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Workers' Compensation; Firefighters; Cancer; Medical Care, Services, and Supplies

Description:

Expedites workers' compensation claims by firefighters by requiring the injured firefighter's private insurance to pay the costs of a controverted claim, subject to reimbursement upon a later finding that the claim is compensable. Requires reimbursement of up to 137 percent of the Medicare reimbursement rate for claims for certain specified types of cancer. (SB2660 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i

Office of the Mayor

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March 20, 2018

Representative Roy M. Takumi, Chair
Committee on Consumer Protection and Commerce
Hawai'i State Capitol, Room 329
Honolulu, HI 96813

Dear Chair Takumi and Committee Members:

**Re: SB 2660, HD 1 Relating to Worker's Compensation for Firefighters
Hearing Date: 03-21-18 – 2:15 pm; House Conference Room 329**

Thank you for scheduling SB 2660, HD 1 for hearing. As a Mayor, and as a father of a firefighter, I wish to join my Fire Chief and the State Fire Council in expressing my support for the intent of SB 2660, HD 1.

Improving access for firefighters to comprehensive medical benefits upon a diagnosis of cancer is clearly the right thing to do, and I hope that Hawai'i will join other progressive states which have recognized the extraordinary risks faced by these brave men and women on a daily basis.

I urge you to approve SB 2660, HD 1 or any other bill that is making its way through this Legislature that will improve access for firefighters to comprehensive medical benefits. I defer to your wisdom as to the best vehicle for that purpose.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i

ALAN M ARAKAWA
MAYOR



JEFFREY MURRAY
FIRE CHIEF

LIONEL MONTALVO
DEPUTY FIRE CHIEF

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March 20, 2018

The Honorable Roy Takumi, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chair Takumi:

Subject: Senate Bill (SB) 2660, House Draft (HD) 1 Relating to Medical Coverage

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui County, Department of Fire and Public Safety (MFD). The SFC and the MFD support SB 2660, HD 1, which proposes to provide fire fighters the presumption that cancer developed or manifested out of or in the course of employment.

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 that are the most comprehensive investigations into cancer-related diseases incurred by career fire fighters to date. These studies confirm that fire fighters have a higher incidence of certain cancers compared to the general population.

A 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.

If passed, this bill will provide fire fighters and their family with the financial and moral support they need during this crisis.

The SFC and the MFD urge your committee's passage of SB 2660, HD 1 for the welfare of our fire fighters.

The Honorable Roy Takumi, Chair
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March 20, 2018

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

JEFFREY A. MURRAY
Fire Chief

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

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March 20, 2018

The Honorable Roy Takumi, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 329
Honolulu, Hawaii 96813

Dear Chair Takumi:

SUBJECT: SB 2660, HD1, RELATING TO MEDICAL COVERAGE
Hearing Date: Wednesday, March 21, 2018
Time/Place of Hearing: 2:15 pm, Conference Room 329

I am Darren J. Rosario, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Hawaii Fire Department of the County of Hawaii (HCFD). The SFC and the HCFD support SB 2660, which proposes to provide fire fighters the presumption that cancer developed or manifested out of or in the course of employment.

The fire profession experienced an increase in fire fighter deaths related to cancer over the past 10 years. Studies such as the University of Cincinnati and the National Institute for Occupational Safety and Health conducted comprehensive investigations into cancer-related diseases incurred by career fire fighters to date and support the initial findings.

As a member of the State of Hawaii (State) cancer taskforce, we 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.

If passed, this bill will provide the fire fighter and their family with the financial and moral support they need during this crisis.

The SFC and the HCFD urge your committees' passage of SB 2660, HD1 for the welfare of our fire fighters.

Should you have questions, please contact me at darren.rosario@hawaiicounty.gov or at 808-932-2903.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Darren".

DARREN J. ROSARIO
Fire Chief





HAWAII FIRE FIGHTERS ASSOCIATION

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

March 21, 2018

Committee on Consumer Protection and Commerce

Testimony by
Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO

S.B. No. 2660 HD 1 RELATING TO MEDICAL COVERAGE

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO represents more than 1,900 professional active-duty and 800 retired fire fighters throughout the State. On behalf of our members, HFFA **supports S.B. No. 2660 HD 1** which improves access to comprehensive medical benefits (including care, services and supplies) for fire fighters who are diagnosed with cancer presumed to arise out of and in the course of services/employment.

Thirty-seven states and nine Canadian provinces already have cancer presumptive laws that provide fire fighters with medical and service-connected disability benefits. Several studies, as recommended by the International Association of Fire Fighters (IAFF), serve as the basis that demonstrates the need for cancer presumptive legislation locally. These studies are consistent with other previous studies assessing the cancer risks in fire fighters associated with occupational exposure. As a stakeholder participating in the Cancer Presumption Task Force that convened in 2016 as a response to H.C.R. No. 32, H.D. 1, S.D. 1, HFFA is grateful that S. B. No. 2660 addresses the concerns of the fire service.

HFFA appreciates the Committee's favorable consideration of this measure and ask that you **pass S.B. No. 2660 HD 1**. Thank you for the opportunity to testify.