
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-79, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) After an injury and during the period of disability,
4 the employee, whenever ordered by the director of labor and
5 industrial relations, shall submit to examination, at reasonable
6 times and places, by a duly qualified physician or surgeon
7 designated and paid by the employer. The employee shall have
8 the right to have a physician, surgeon, or chaperone designated
9 and paid by the employee present at the examination, which
10 right, however, shall not be construed to deny to the employer's
11 physician the right to visit the injured employee at all
12 reasonable times and under all reasonable conditions during
13 total disability. The employee shall also have the right to
14 record such examination by a recording device designated and
15 paid for by the employee [~~; provided that the examining physician~~
16 ~~or surgeon approves of the recording~~].



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

7 SECTION 2. Act 172, Session Laws of Hawaii 2017, is
 8 amended by amending section 4 to read as follows:

9 "SECTION 4. This Act shall take effect upon its approval [~~+~~
 10 ~~provided that on June 30, 2019, this Act shall be repealed and~~
 11 ~~section 386-79, Hawaii Revised Statutes, shall be reenacted in~~
 12 ~~the form in which it read on the day before the effective date~~
 13 ~~of this Act]."~~

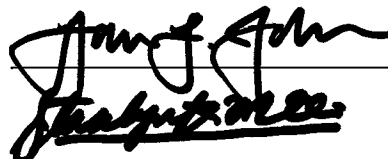
14 SECTION 3. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
 18 and stricken.

19 SECTION 5. This Act shall take effect on June 29, 2019.

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INTRODUCED BY:




H.B. NO. 390

Report Title:

Workers' Compensation; Medical Examination; Recording Devices

Description:

Repeals the requirement that the examining physician or surgeon of an employee's medical examination approve of the recording of the medical examination relating to a work injury for workers' compensation purposes.

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

