

STAND. COM. REP. NO.

1124

Honolulu, Hawaii

MAR 01 , 2019

RE: H.B. No. 389

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 389, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require that a person performing an independent medical examination (IME) or permanent impairment rating examination for a workers' compensation work injury examine the employee within a certain period of time;
- (2) Require that the employee be provided a copy of the employee's IME or permanent impairment rating examination within a certain period of time; and
- (3) Make permanent the provisions under Act 172, Session Laws of Hawaii 2017, which:
 - (A) Grants an employee the right to have a chaperone present during an IME for a workers' compensation work injury;



- (B) Grants an employee the right to use a recording device during the IME, subject to certain conditions; and
- (C) Specifies that if the employee or employee's designated chaperone obstructs the IME, the employee's right to compensation shall be suspended until the obstruction ceases.

International Longshore and Warehouse Union Local 142 and Work Injury Medical Association of Hawaii supported this measure. The Chamber of Commerce Hawaii; Hawaii Insurers Council; Hawaiian Electric Company, Inc.; Maui Electric Company, Ltd.; Hawai'i Electric Light Company, Inc.; and American Property Casualty Insurance Association opposed this measure. The Department of Labor and Industrial Relations; Department of Human Resources Development; and City and County of Honolulu Department of Human Resources provided comments on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 389, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



SYLVIA LUKE, Chair



