STAND. COM. REP. NO. 330

Honolulu, Hawaii

February 12 , 20

RE: H.B. No. 390 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 Labor & Public Employment, to which was referred H.B. No. 390 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," begs leave to report as follows:

The purpose of this measure is to:

- (1) Make permanent Act 172, Session Laws of Hawaii 2017, which:
  - (A) Grants employees the right to have a chaperone present during a medical examination relating to a workers' compensation work injury and, with the approval of the examining physician or surgeon, to record the medical examination; and
  - (B) Provides that if an employee or employee's chaperone obstructs the medical examination, the employee's right to workers' compensation shall be suspended until the refusal or obstruction ceases; and
- (2) Repeal 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 workers' compensation work injury.

The International Longshore & Warehouse Union Local 142, Work Injury Medical Association of Hawaii, and a few individuals testified in support of this measure. The Department of Human Resources Development, Department of Labor and Industrial Relations, City and County of Honolulu, and City and County of Honolulu Department of Human Resources provided comments on this measure.

Your Committee has amended this measure by:

- (1) Reinstating 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 workers' compensation work injury; and
- (2) Changing its effective date to January 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 390, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 390, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Labor & Public Employment,

## State of Hawaii House of Representatives The THIRTIETH Legislature

## Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 390	Committee Referral:	V Date: 2/7/1	9
☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)			
LAB Members	Ayes Ay	es (WR) Nays	Excused
1. JOHANSON, Aaron Ling (C)	/		
2. ELI, Stacelynn K.M. (VC)			
3. ICHIYAMA, Linda	V	Contract that they have been producted	
4. KITAGAWA, Lisa			
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5. McKELVEY, Angus L.K.			A CONTRACTOR OF THE PARTY OF TH
6. QUINLAN, Sean			
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7. YAMASHITA, Kyle T.		, .	
		MINE NEW YORK	
8. MATSUMOTO, Lauren			
255			
TOTAL (8)	7		
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)			
Vice Chair's or designee's signature:			
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO			