

STAND. COM. REP. NO.

330

Honolulu, Hawaii

February 12, 2019

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,


AARON LENE JOHANSON, Chair



