

STAND. COM. REP. NO. 1512

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 390
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health, to which was referred H.B. No. 390, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to make permanent Act 172, Session Laws of Hawaii 2017, which 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 examination. This measure also provides that if an employee or employee's chaperone obstructs the medical examination, the employee's right to worker's compensation shall be suspended until the refusal or obstruction ceases.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawaii Injured Workers Association, ILWU Local 142, Work Injury Medical Association of Hawaii, and three individuals.

Your Committees find that the workers' compensation system is often adversarial in nature as employees and employers often choose physicians to perform independent medical examinations that are highly partisan to their respective sides. Delays in

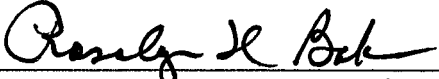


independent medical examinations can cause devastating financial consequences to employees. Independent medical examinations can be stressful and intimidating to injured employees. This measure makes permanent the law that allows employees the right to have a chaperone present and to record the independent medical examination, which will provide better assurance that an independent medical examination is conducted fairly, allow for greater transparency, and provide comfort and safety to employees.

Your Committees have amended this measure by making it effective upon approval.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 390, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 390, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health,



ROSALYN H. BAKER, Chair



BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 390, HDI</i>	<i>LCA/CPH, JDC</i>	<i>3-19-19</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt				✓
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* HB 390 HD 1	Committee Referral: LCA/CPH, JDC	Date: 3/20/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett				✓
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; font-family: cursive;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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