

STAND. COM. REP. NO.

1907

Honolulu, Hawaii

APR 05 2019

RE: H.B. No. 390  
H.D. 1  
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 390, H.D. 1, S.D. 1, entitled:

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

begs 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 Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, ILWU Local 142, and Work Injury Medical Association of Hawaii.

Your Committee finds that the workers' compensation system is often adversarial in nature, has the potential to result in significant financial consequences, and is often stressful and intimidating for injured employees. Your Committee further finds that the presence of a chaperone during workers' compensation independent medical examinations improves transparency and allows



the injured employee to more effectively seek a second opinion or consult the employee's primary physician. This measure makes permanent the law that allows employees the right to have a chaperone present and to record the independent medical examination.

Your Committee has amended this measure by inserting an effective date of June 29, 2019.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 390, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 390, H.D. 1, S.D. 2.

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



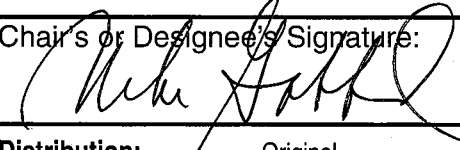
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:	
HB390, HD1, SD1	LCA/CPH, JDC	3/28/19	
<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			
RHOADS, Karl (C)	✓		
WAKAI, Glenn (VC)			✓
GABBARD, Mike	✓		
KIM, Donna Mercado	✓		
FEVELLA, Kurt			✓
<b>TOTAL</b>	3	—	—
			2
Recommendation:			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature:			
			
Distribution:			
Original	Yellow	Pink	Goldenrod
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy

\*Only one measure per Record of Votes