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## A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 386-79, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) After an injury and during the period of disability,  
4 the employee, whenever ordered by the director of labor and  
5 industrial relations, shall submit to examination, at reasonable  
6 times and places, by a duly qualified physician or surgeon  
7 designated and paid by the employer. The employee shall have  
8 the right to have a physician, surgeon, or chaperone designated  
9 and paid by the employee present at the examination, which  
10 right, however, shall not be construed to deny to the employer's  
11 physician the right to visit the injured employee at all  
12 reasonable times and under all reasonable conditions during  
13 total disability. The employee shall also have the right to  
14 record such examination by a recording device designated and  
15 paid for by the employee; provided that the examining physician  
16 or surgeon approves of the recording.



1        Any person selected or appointed to perform an independent  
2 medical examination or permanent impairment rating examination  
3 pursuant to this section shall examine the employee within  
4 thirty calendar days of the person's receipt of the notice of  
5 the selection or appointment. The employee shall be provided a  
6 copy of the report of the independent medical examination or  
7 permanent impairment rating examination no later than thirty  
8 calendar days after the date of the examination. In the event  
9 that:

10        (1) The independent medical examination or permanent  
11 impairment rating examination is not performed within  
12 the required thirty-day period as provided in this  
13 subsection; or  
14        (2) The copy of the report of the independent medical  
15 examination or permanent impairment rating examination  
16 is not provided to the employee within the required  
17 thirty-day period as provided in this subsection,  
18 the report shall not be valid, and the employer shall not be  
19 permitted to rely upon the report.

20        If an employee refuses to submit to, or the employee or the  
21 employee's designated chaperone in any way obstructs such



1 examination, the employee's right to claim compensation for the  
2 work injury shall be suspended until the refusal or obstruction  
3 ceases and no compensation shall be payable for the period  
4 during which the refusal or obstruction continues."

5 SECTION 2. Act 172, Session Laws of Hawaii 2017, is  
6 amended by amending section 4 to read as follows:

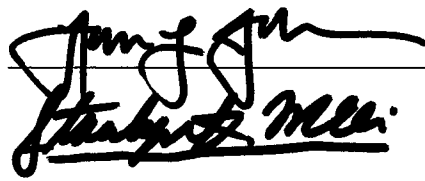
7 "SECTION 4. This Act shall take effect upon its approval [~~7~~  
8 ~~provided that on June 30, 2019, this Act shall be repealed and~~  
9 ~~section 386-79, Hawaii Revised Statutes, shall be reenacted in~~  
10 ~~the form in which it read on the day before the effective date~~  
11 ~~of this Act]."~~

12 SECTION 3. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on June 29, 2019.

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INTRODUCED BY: 

JAN 18 2019



**Report Title:**

Workers' Compensation; Independent Medical Examination

**Description:**

Requires persons performing an independent medical exam or permanent impairment rating exam for a workers' compensation work injury examine the employee within 30 calendar days upon receipt of notice. Provides that the employee be provided a copy of the exam within 30 calendar days. Makes the report invalid if the time requirements are not met.

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