

STAND. COM. REP. NO.

329

Honolulu, Hawaii

February 12, 2019

RE: H.B. No. 389
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. 389 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend Hawaii's Workers' Compensation Law by:

- (1) Requiring persons selected or appointed to perform an independent medical examination or permanent impairment rating examination to examine the employee within 30 calendar days of the person's receipt of selection or appointment notice;
- (2) Requiring that employees be provided a copy of their independent medical examination report or permanent impairment rating examination report no later than 30 days after their examination;
- (3) Making the reports invalid and providing that employers shall not be permitted to rely on the reports if the time requirements for examining the employee or submitting the report to the employee are not met; and



- (4) Removing the scheduled repeal of an employee's right to record the examination.

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 Labor and Industrial Relations, Hawaiian Electric Company, Inc., Maui Electric Company, Ltd., Hawaii Electric Light Company, Inc., The Chamber of Commerce Hawaii, Hawaii Insurers Council, and American Property Casualty Insurance Association opposed this measure. The Department of Human Resources Development, 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) Deleting the specific number of days in which:
 - (A) A person selected or appointed to perform an independent medical examination or permanent impairment rating examination must examine the employee; and
 - (B) The employee, after date of examination, must be provided a copy of the independent medical examination report or permanent impairment rating examination report;
- (2) Deleting provisions that make the reports invalid if the time requirements for examining the employee and for submittal of the report to the employee are not met; and
- (3) 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. 389, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 389, 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 LING JOHANSON, Chair



