
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION LAW.

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

1 SECTION 1. Section 386-21.1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§~~386-21.1~~§~~ **Medical care, services, and supplies for**
4 **controverted claims.** (a) In the event of a controverted claim,
5 the injured employee's private health care plan shall by default
6 pay for or provide medical care, services, and supplies in
7 accordance with the private health care contract~~[-. When]~~
8 pending the acceptance of the claim or determination of
9 compensability. If the claim is accepted or determined to be
10 compensable, the private health care plan shall be entitled to
11 seek reimbursement from the employer, which shall reimburse the
12 private health care plan and the injured employee for any
13 reasonable and necessary medical expenses related to the covered
14 injury in amounts as authorized by this chapter and rules
15 adopted by the director~~[-]~~; provided that the injured employee
16 shall be reimbursed directly for any copayments related to the
17 covered injury. For the purposes of this subsection, a claim



1 that is not accepted shall be deemed denied, regardless of any
2 modifiers placed on the denial, such as denied pending
3 investigation.

4 (b) Any private health care plan violating this section
5 shall be fined \$10,000 or triple the amount of medical costs
6 incurred by the injured employee during the time the claim is
7 under investigation, whichever is greater."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Workers' Compensation; Controverted Claims; Private Health Care Plans; Penalty

Description:

Clarifies that with controverted claims, an injured employee's private health care plan must by default pay for or provide medical care, services, and supplies pending acceptance of the claim or determination of compensability and may seek reimbursement from the employer if accepted or compensable. Establishes a penalty. Effective 7/1/3000. (HD2)

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