



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 13, 2024

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Jackson D. Sayama, Vice Chair, and
Members of the House Committee on Consumer Protection & Commerce

Date: Tuesday, February 13, 2024
Time: 2:05 p.m.
Place: Conference Room 329, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1944 H.D.1 RELATING TO WORKERS' COMPENSATION

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR supports** this proposal. HB1944 HD1 is intended to expedite the diagnosis and streamline medical treatment for serious injuries to the cervical or lumbar spine sustained by an employee while working by allowing magnetic resonance imaging (MRI) and consultation with an orthopedic or neurologic specialist without a treatment plan during the first sixty days after an injury. This bill seeks to add a new Section to Chapter 386, Hawaii Revised Statutes (HRS) entitled "Cervical and lumbar spinal injuries; treatment plan not required."

II. CURRENT LAW

Section 386-21, HRS, states that the employer to provide to the employee so long as reasonably needed, all medical care, services and supplies as the nature of the injury requires.

The Workers' Compensation Medical Fee Schedule Section 12-15-32(a), Hawaii Administrative Rules (HAR), provides in part that frequency and extent of treatment shall not be more that the nature of the injury and the process of recovery requires. Authorization is not required for the initial fifteen treatments of the injury during the first sixty calendar days.

The Workers' Compensation Medical Fee Schedule Section 12-15-42(b), HAR, provides in part that when requesting consideration for consultation, the attending physician shall obtain permission from the employer prior to initiating such referral.

The reason for the consultation shall be submitted in writing to the employer at least seven calendar days prior to the referral.

The Workers' Compensation Medical Fee Schedule Section 12-15-54(a), HAR, taking of anterior-posterior (A-P), lateral, and oblique x-rays shall be discretionary for one hundred twenty days following the initial treatment and may be allowed without authorization. Prior authorization from the employer must be obtained for x-rays subsequent to the initial one hundred twenty days of treatment.

The Workers' Compensation Medical Fee Schedule Section 12-15-94(a), HAR, provides that the employer shall pay for all medical services which the nature of the compensable injury and the process of recovery require. The employer is not required to pay for care unrelated to the compensable injury.

III. COMMENTS ON THE HOUSE BILL

The DLIR supports this proposal to add a section to Chapter 386 to facilitate early diagnosis for cervical and lumbar spinal injuries in an effort to provide timely and effective treatment decisions.

TESTIMONY OF ALISON UEOKA

COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Representative Mark M. Nakashima, Chair
Representative Jackson D. Sayama, Vice Chair

Tuesday, February 13, 2024
2:05 p.m.

HB 1944, HD1

Chair Nakashima, Vice Chair Sayama, and members of the Committee on Consumer Protection & Commerce, my name is Alison Ueoka, President for Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** this bill. This bill is a result of the Workers' Compensation Working Group that met during the interim and is comprised of various stakeholders in the system who are committed to streamlining the system and providing prompt medical care for injured workers.

The bill provides for an MRI without a treatment plan during the first sixty days after an injury under certain circumstances and one consultation with an orthopedic or neurologic specialist for the evaluation and treatment of the employee's injury.

We believe that early diagnosis in these cases where there are commonly seen injuries to the neck and back will lead to faster treatment and a faster return to work. This bill is a collaboration between health care providers, attorneys both defense and plaintiff, insurers, and injured worker advocates. We urge passage of this bill.

Thank you for the opportunity to testify.

Subject: Support for Legislation Granting early MRI and Specialist Consultations for Cervical and Lumbar Spinal Injuries within Workers' Compensation

Dear Members of the Hawaii State Legislature

RE: HB1944

I am writing to express my strong support for the pending legislation that seeks to authorize magnetic resonance imaging and specialist consultations without a treatment plan within the context of workers' compensation coverage for workers with cervical and lumbar spinal injuries or suspected cervical and lumbar spinal injuries. HB1944 HDI is a crucial bill that addresses a significant gap in our current workers' compensation system by prioritizing early intervention and timely access to specialized care for injured workers in our state.

The proposed legislation aligns with the fundamental principle of prioritizing worker health and safety. By granting injured workers the opportunity to receive MRI coverage and specialist consultations without the constraints of a predefined treatment plan, we are empowering healthcare professionals to make informed decisions based on the unique circumstances of each case. This autonomy ensures that workers with cervical and lumbar spinal injuries receive the most appropriate and effective care tailored to their individual needs, ultimately contributing to faster recovery and rehabilitation.

Moreover, this bill recognizes the economic benefits of preventive healthcare measures. By facilitating early detection and intervention, we can mitigate the risk of more severe and costly health issues, thereby reducing the long-term financial burden on both injured workers and the workers' compensation system. I believe that this legislation represents a proactive step towards not only safeguarding the well-being of our workforce but also promoting a more efficient and sustainable workers' compensation framework in our state. I urge you to lend your support to this important initiative for the benefit of our constituents and the overall welfare of Hawaii.

Thank you for your time and consideration.

Sincerely,

Gabe Merrill
Hawaii Medical Evaluators
808-437-2881

HB-1944-HD-1

Submitted on: 2/12/2024 1:35:47 PM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Max Clini	WorkStar Injury Recovery Center	Support	Written Testimony Only

Comments:

Max Clini as a co-Principal of WorkStar Injury Recovery Center, Hawaii's largest occupational health system with clinic locations on all major islands, submits the following testimony in support of House Bill 1944.

HB1944 authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries.

The purpose of this bill is to expedite the diagnosis of, and streamline medical treatment for, serious injuries to the cervical or lumbar spine that could result in paralysis for injuries sustained by an employee while working.

Damage to the spinal cord is often irreversible. Hence, urgent medical attention is critical to minimize the effects of a head or neck injury. This bill attempts to facilitate early diagnosis of and streamline medical treatment for such serious injuries, and I strongly support this measure.

LATE

HB-1944-HD-1

Submitted on: 2/12/2024 8:07:45 PM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Morioka	Hawaii Injury Recovery Center, Inc.	Support	Written Testimony Only

Comments:

Scott Morioka, on behalf of Hawaii Injury Recovery Center, Inc. submits the following testimony in support of House Bill 1944. HB1944 authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries. The purpose of this bill is to expedite the diagnosis of, and streamline medical treatment for, serious injuries to the cervical or lumbar spine that could result in paralysis for injuries sustained by an employee while working.

Damage to the spinal cord is often irreversible. Hence, urgent medical attention is critical to minimize the effects of a neck and/or low back injury. This bill attempts to facilitate early diagnosis of and streamline medical treatment for such serious injuries, and I strongly support this measure.

LATE

HB-1944-HD-1

Submitted on: 2/13/2024 7:32:42 AM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Okamura, M.D.	Work Injury Medical Association of Hawaii	Support	Written Testimony Only

Comments:

Work Injury Medical Association of Hawaii submits the following testimony in support of House Bill 1944 HD1. HB1944 HD1 authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries. The purpose of this bill is to expedite the diagnosis of, and streamline medical treatment for, serious injuries to the cervical or lumbar spine that could result in paralysis for injuries sustained by an employee while working.

Damage to the spinal cord is often irreversible. Hence, urgent medical attention is critical to minimize the effects of a head or neck injury. This bill attempts to facilitate early diagnosis of and streamline medical treatment for such serious injuries, and I strongly support this measure.

Thank you for your consideration of this measure!

HB-1944-HD-1

Submitted on: 2/11/2024 4:34:37 PM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
dennis b miller	Individual	Support	Written Testimony Only

Comments:

Workers Compensation insurance is full of obstacles to treatment, in order to prevent abuse of the insurance and in order to reduce paying claims.

This law is beneficial for the injured individual, and it reduces one obstacle in WC.

Now imagine that you fund the Hawaii Health Authority, and approve the creation of a universal healthcare system in Hawaii. IF everyone is covered, then WC becomes unnecessary. You could relieve employers of the need to pay for WC insurance and all the related compliance costs, by guaranteeing healthcare to everyone in Hawaii.

Please fund the HHA with a line item of \$250,000 in the state budget. IF the Governor and speakers of both chambers choose HHA board members who are not HMSA flunkies, then a real Universal Healthcare System based on a streamlined admin without bureaucratic bloat, and with one good benefit package for everyone, and one rate of reimbursement for private insurance, Medicaid, and a state created form of Medicare Advantage would reduce so much administrative cost in healthcare that you would in effect create a large economic stimulus for the state.

To do this, all you have to do is stop blindly believing Judy Mohr Peterson and Dr. Mark Mugiishi, because they defend increases in administrative complexity.

Dennis B Miller

(808) 227 8241

singlepayerhawaii@gmail.com

Waikiki

HB-1944-HD-1

Submitted on: 2/12/2024 10:11:04 AM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
FRANKLIN Ichiro IZUTA	Individual	Support	Written Testimony Only

Comments:

The ability to obtain an MRI scan of the cervical or lumbar spine in an acutely injured worker will enable the physician to determine the extent of injury in a patient with significant physical findings. The ability to rapidly assess these types of patients and get them to a spine specialist for treatment can decrease the amount of damage to the spinal cord and exiting spinal nerves. Recovery time will improve and the chance of return to preinjury baseline status will be optimized. Patient satisfaction will be high and medical costs will be diminished. It's a win win situation.

LATE

HB-1944-HD-1

Submitted on: 2/12/2024 3:55:48 PM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott J Miscovich MD	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of HB1944 HD1

Good morning. My name is Scott J. Miscovich, MD, the found and President of Premier Medical Group Hawaii. I am in support of HB1944 HD1.

During these 31 years, I have seen how much damage the delay in treatment can cost a patient. During the first 60 days of an injury, is a critical time. Having access to diagnostic imaging is one of the key factors for medical providers to determine the extent of a patient’s injury. Having the diagnostic imaging could potentially save up to 6 months to a year of a patient’s treatment. A medical provider would be able to determine whether the injury is only a strain or something more serious that would need specialty care.

I would request amendments to be made for suspected tendon, ligament or cartilage tears in all applicable locations that can only be seen by an MRI or CT because X-rays do not show such tears. For example, a patient whom their medical provider suspects of a tendon tear would be sent for such a study to see if the tendon would need immediate operable care or if the tendon would be able to heal in due course. Complete tendons tears are such where it would need to be operated on immediately or the patient may lose elasticity. Therefore, rendering the tendon inoperable causes permanent damage.

I would also like to recommend that there should be more leeway on the specialist time frame to supply a consultation report. Some providers, due to patient care constraints, may not be able to complete their reports. A more reasonable time frame would be 30 days.

Passing of this bill is necessary to allow medical providers to make timely and effective treatment decisions. Allowing patient's care to progress, assist in the recovery and return the patient back to work as quickly and medically as possible. We are in support of HP1944 HD1.

Thank you.

Scott J. Miscovich, MD

President and CEO

Premier Medical Group

LATE

HB-1944-HD-1

Submitted on: 2/12/2024 9:26:46 PM

Testimony for CPC on 2/13/2024 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathy Wilson	Individual	Support	In Person

Comments:

Aloha CPC,

I am submitting the following testimony in support of House Bill 1944. HB1944 authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries. The purpose of this bill is to expedite the diagnosis of, and streamline medical treatment for, serious injuries to the cervical or lumbar spine that could result in paralysis for injuries sustained by an employee while working.

Damage to the spinal cord is often irreversible. Hence, urgent medical attention is critical to minimize the effects of a head or neck injury. This bill attempts to facilitate early diagnosis of and streamline medical treatment for such serious injuries, and I strongly support this measure.