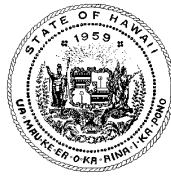


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENN H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

BRIAN K. FURUTO
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENN H. HASHIMOTO
Director, Department of Human Resources Development

Before the
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Wednesday, February 19, 2025
2:00PM
State Capitol, Conference Room 329

In consideration of
HB423, HD1 RELATING TO WORKERS' COMPENSATION

Chair Matayoshi, Vice Chair Chun, and the members of the committee:

The Department of Human Resources Development (HRD) is in support of HB423, HD1.

The bill proposes to:

- Clarify the process for selecting a certified provider of rehabilitation services.
- Requires providers to automatically approve vocational rehabilitation services for an injured employee if those services will likely be required for suitable gainful employment.

As a self-insured, centralized administrator of workers' compensation benefits, HRD appreciates the intent of the measure which clarifies the process for referrals to vocational rehabilitation specialists and the development of rehabilitation plans. As drafted, the bill affirms the responsibilities of the injured worker, the vocational rehabilitation specialist, and the employer, and supports the objective of returning an injured worker to suitable gainful employment as quickly as possible in a cost-effective manner.

Thank you for the opportunity to provide testimony.



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

February 19, 2025

To: The Honorable Scot Z. Matayoshi, Chair,
The Honorable Cory M. Chun, Vice Chair, and
Members of the House Committee on Consumer Protection & Commerce

Date: Wednesday, February 19, 2025
Time: 2:00 p.m.
Place: Conference Room 329, State Capitol

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

Re: H.B. 423 H.D.1 RELATING TO WORKERS' COMPENSATION

I. OVERVIEW OF PROPOSED LEGISLATION

The DLIR offers comments to HB423 HD1 that proposes to amend Section 386-25, Hawaii Revised Statutes (HRS), to clarify the process of selecting a certified provider of rehabilitation services. In addition, this measure requires providers to automatically approve vocational rehabilitation services for an injured employee when it is determined that vocational rehabilitation services are needed for the injured employee to return to suitable gainful employment.

II. CURRENT LAW

§386-25 provides in part that the purposes of vocational rehabilitation include restoring an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner.

§386-25(d) states a provider shall submit an initial evaluation report of the employee to the employer and the director within forty-five days of the date of referral or selection. The evaluation shall determine whether the employee requires vocational rehabilitation services to return to suitable gainful employment, identify the necessary services, and state whether the provider can provide these services.

III. COMMENTS ON THE HOUSE BILL

DLIR agrees with the legislature that early intervention and participation in a Vocational Rehabilitation (VR) program can contribute greatly to a successful return

to work for injured employees. The stated purpose of this measure comports with the intent of §386-25 to assist the injured employee return to the active labor force and restore the employees earning capacity to nearly as possible to the level they earned at time of injury, as quickly as possible, and in a cost-effective manner.

DLIR appreciates the intent of this measure to provide a streamlined process to assist these injured employees back to the labor force. The DLIR offers the following comments:

- Pg. 4, lines 15-17 specifies that the injured employee shall select a certified provider within thirty days after the referral is made by the director. However, injured employees also self-refer themselves to VR services and are not referred by the director, therefore, the DLIR recommends striking “by the director” on line 17.
- Pg. 7, line 7 in the proposed subsection (e) states a provider shall automatically approve vocational rehabilitation services by determining if an injured employee will require services to return to work. The department notes that the Initial Evaluation report determines the feasibility of an injured employee to receive vocational rehabilitation services pursuant to the existing subsection (d) (§386-25(d)).

Therefore, the DLIR recommends adding “after completion of the initial evaluation report.” to the proposed subsection (e) on line 11.

INTERNATIONAL ASSOCIATION OF REHABILITATION PROFESSIONALS,
HAWAII CHAPTER

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chun, Vice Chair

FROM: Andrew Alejandro, M.S., CRC
President

DATE: 2/17/25

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION
HEARING
Wednesday, February 19, 2025
TIME: 2:00 PM
State Capitol - 329 VIA VIDEOCONFERENCE

The International Association of Rehabilitation Professionals, Hawaii Chapter **OPPOSES** the following revision to HB 423 as noted in HB 423 HD1:

[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

Assigning a specific timeline for plan submittal after an injured worker enrolls into private VR program is not feasible, as adjustment to disability is individualized to the participant and must be addressed in a person-centered fashion. Factors such as comorbidity of injury, past trauma, and attainment of successful coping strategies may all affect the injured worker's ability to move forward with seeking and obtaining suitable gainful employment.

To require an injured worker to be placed into plan within a 90-day period after initial evaluation is not only a disservice to the injured worker but is in direct conflict to the Code of Professional Ethics for Certified Rehabilitation Counselors; as CRCs are committed to recognizing diversity and embrace of culturally relevant and responsive approaches to support the worth, dignity, potential, and uniqueness of individuals with disabilities within their social and cultural context. Requiring that injured workers be placed into plan within a 90-day period after initial evaluation will negate VR providers ethical duty to address the unique needs of the injured worker. Further, the Code of Professional Ethics for Certified Rehabilitation Counselors requires all VR providers to operate under six principles of ethical behavior, one of which is Justice; to be fair in the treatment of all clients; to provide appropriate services to all. Should injured workers be forced to be placed into rehabilitation plan before they are physically and psychologically capable, the appropriateness of services outlined in the plan cannot reasonably be considered "appropriate".

Per HRS 386-25 (e), A plan shall include a statement of the feasibility of the vocational goal, using the process of:

- (1) First determining if the employee's usual and customary employment represents suitable gainful employment, and, should it not;*
- (2) Next determining if modified work or other work with the same employer represents suitable gainful employment, and, should it not;*
- (3) Next determining if modified or other employment with a different employer represents suitable gainful employment, and finally, should it not;*
- (4) Then providing training to obtain employment in another occupational field. When training to obtain employment in another occupational field is required, the first appropriate option among the following options shall be selected for the employee.*

Prior to confirming a vocational goal to be pursued, statutes state that the VR provider and injured worker must first confirm the Employer's ability to either allow for the injured worker to return to their usual and customary duties or confirm modified work or other work with the same employer that represents suitable gainful employment. In the event that the Employer does not respond to the VR provider's inquiry for return-to-work options within the initial 90 day plan creation period, a VR plan would be unable to be submitted and still remain compliant with HRS 386-25 of confirming work accommodations with the Employer first. Further, should the injured worker be receiving on-going medical treatment for their injury and work clearance from their Treating Physician is yet to be received, prior to the 90-day plan submittal, the injured worker would be unable to participate in a formalized rehabilitation plan until all medical treatments are addressed and work clearance received.

Additionally, vocational rehabilitation services offered through the Federal/State vocational rehabilitation agencies allow for unlimited modifications or revisions of a vocational rehabilitation plan, after an initial plan is submitted. VR providers within Workers Compensation are not afforded the ability to submit multiple VR plan amendments. Should the 90-day plan submittal model be enacted for Workers Compensation, private VR providers should also be afforded the same opportunity to submit unlimited amount of plan amendments to ensure successful job placement of the injured worker.

As per the aforementioned, I am strongly recommending HRS 386-25 (f) remain as currently written.

I humbly request the Committee to consider this opposition statement. Thank you for the opportunity to provide testimony.



Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Scot Z Matayoshi, Chair
Representative Cory M Chun, Vice Chair

Date: February 19, 2025

From: Hawaii Medical Association (HMA)
Jerald Garcia MD - Chair, HMA Public Policy Committee

RE HB 423 HD 1 RELATING TO WORKERS' COMPENSATION - Workers' Compensation; Vocational Rehabilitation Services Position: Support

This measure would clarify the process for selecting a certified provider of rehabilitation services and require providers to automatically approve vocational rehabilitation (VR) services for an injured employee if those services will likely be required for suitable gainful employment.

Patients with work-related injury or illness need prompt evaluation, diagnosis and treatment. Timely access to a VR program, typically provided by an Occupational Therapist as part of a public or private VR agency, is necessary to support the patient's recovery and safe return to gainful employment to the best of their abilities. HMA supports this measure that clarifies the process for VR services following Initial Evaluation, allowing automatic approval for these needed, time-sensitive services that support Hawaii patients with work related illness or injury.

Thank you for allowing the Hawaii Medical Association to testify in support of this measure.

2025 Hawaii Medical Association Officers

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

2025 Hawaii Medical Association Public Policy Coordination Team

Jerald Garcia, MD, Chair
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

REFERENCES AND QUICK LINKS

State of Hawaii. [Disability Compensation Division](#). About Workers' Compensation (WC). Accessed February 4 2025.

Yorton S. Lawmaker Posts Rare Win For Injured Workers — And Pushes For More. [Honolulu Civil Beat](#). [July 31 2024](#). Accessed February 4 2025.

Matayoshi CC. How to get worker's comp for work-related injury, illness. KHON.com. Apr 8 2024. Accessed February 4 2025.

U.S. Department of Interior. Office of the Secretary. Return to work (limited light duty, alternative work assignments and modified permanent job offers) handbook. April 18 2023. Accessed February 4 2025.

2025 Hawaii Medical Association Officers

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

2025 Hawaii Medical Association Public Policy Coordination Team

Jerald Garcia MD, Chair
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

HB-423-HD-1

Submitted on: 2/18/2025 11:02:13 AM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Monden	Nancy T Monden MOH, CRRN CCM RN	Oppose	Remotely Via Zoom

Comments:

I am a RN medical case manager for over 30 years working with injured workers who sustained an injury. It is a medical, psychological, and social process to get the care via work comp.

After an injury a person experiences the grieving process since there is a loss. There is a loss of self identity since a job or profession defines your personal self worth as a human being.

A psychologist or nurse case manager could assist with the grieving process but insurance companies will not approve. They don't want to open liability to a psychological claim although there may be an impairment

The vocational specialist must help with worker with a new self identity, gain trust of the worker and put them into a vocational plan. The body part affected, type of job, education, years at job and culture affect moving through the grieving process this usually takes longer than 90 days. This is an individual process which cannot be defined as days to heal. We are not robots and have emotions that vary from person to person

TESTIMONY OF MILIA LEONG

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Scot Z. Matayoshi, Chair

Representative Cory M. Chun, Vice Chair

Wednesday, February 19, 2025
2:00 p.m.

HB 423, HD1

Chair Matayoshi, Vice Chair Chun, and members of the Committee on Consumer Protection & Commerce, my name is Milia Leong, Executive Claims Administrator for HEMIC Insurance Managers, Inc. and the Workers' Compensation Chair 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. Providing a specific timeline for selection of a rehabilitation counselor will avoid any unnecessary delays in the vocational rehabilitation process and ensures the injured workers timely return to gainful employment.

Thank you for the opportunity to testify.



HAWAII REHABILITATION COUNSELING ASSOCIATION
120 Pauahi Street, Room 206B
Hilo, HI 96720

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chun, Vice Chair

FROM: Lanelle Yamane, MS, CRC, LMHC
President

DATE: 2/17/25

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION
HEARING
Wednesday, February 19, 2025
TIME: 2:00 PM
State Capital - 329 VIA VIDEOCONFERENCE

The Hawaii Rehabilitation Counseling Association **opposes** the following revision to HB 423 as noted in HB 423 HD1:

[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee no later than ninety days after ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

Injured workers are going through the adjustment to disability change process and typically enroll in a vocational rehabilitation program while in the denial phase (dealing with anger, grief, and depression) and counseling is needed to help them accept and adjust to their disability before a feasible vocational goal can be identified to submit a rehabilitation plan. Injured workers are not ready to develop a rehabilitation plan until they accept the reality of having permanent impairment and work limitations. Acceptance of change is not a quick process nor can it be forced upon a person within a pre-determined time frame without harm to the individual.

A change of career or occupation is difficult at any age and an injured worker needs time and guidance to explore their vocational options with their vocational rehabilitation counselor to make an informed decision.

An injured worker needs time to benefit from vocational rehabilitation services prior to rehabilitation plan development. These services include: adjustment to disability counseling, vocational exploration, transferrable skills analysis, job search skills improvement, understanding the labor market and the vocational choices available, vocational evaluation services, and thorough rehabilitation plan development. The aforementioned services cannot be accomplished within only ninety days.

Injured workers are also referred and enrolled in vocational rehabilitation while they are going through medical treatment and they may not be medically stable and physically/psychologically ready to formulate a rehabilitation plan within ninety days.

Additionally, the Federal/State vocational rehabilitation system allows for uncapped modifications or revisions of a vocational rehabilitation plan whereas the Worker's Compensation vocational rehabilitation system allows for only one revision to a rehabilitation plan. If the Federal/State vocational rehabilitation system is the model then uncapped modifications or revisions of a vocational rehabilitation plan should also be considered.

We recommend HRS 386-25 (f) remain as currently written.

We respectfully ask this Committee to consider the above. Thank you for the opportunity to testify.



TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chu, Vice Chair

FROM: Narita San T. Meana, M.S., CRC, CVE, NCC, LMHC
Rehabilitation Specialist, Vocational Management Consultants, Inc.

DATE: 02/17/2025

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING
Wednesday, February 19, 2025
Time: 2:00 p.m.
State Capitol - 329 VIA VIDEO CONFERENCE

I, Narita San T. Meana, M.S., CRC, CVE, NCC, LMHC, a Registered Rehabilitation Specialist to the State of Hawaii's Workers' Compensation Vocational Rehabilitation Program, representing Vocational Management Consultants, Inc., **oppose** the following revision to H.B. 423 as noted in H.B. 423 HD1:

[-(-e)-] (f) A provider shall file the employee's plan with the approval of the employee **no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.**

Under the State of Hawaii's Workers' Compensation Vocational Rehabilitation Program, Worker's Rights and Responsibilities indicate that the Provider's job is to assist the Injured Worker through a five-step program of evaluation, planning, provision, placement, and follow-up. Injured Workers come into the program with unique circumstances that requires their voices to be heard, valued, and given full consideration by supporting informed choice and Client engagement in decision-making and vocational planning. To conclude what an Injured Worker's needs are in the span of a 90-day period to submit a plan is not one size-fits-all model of vocational planning. This limited timeframe does not provide the Injured Worker from fully exploring their options to identify suitable gainful work within their physical and functional limitations and employment handicaps.

The services that we provide are not solely limited to developing a plan. A significant part of our services as Vocational Rehabilitation Counselors is *adjustment to disability counseling*, vocational exploration, vocational evaluation and assessments, transferable skills analysis, job search skills training, and understanding the labor market to make informed vocational choices. To perform these services in a period of 90-days is not appropriate [emphasis] given each individual's unique circumstances related to their industrial injury.

As a Provider and Certified Rehabilitation Counselor, we have an ethical duty and principle to advocate equitable and appropriate provision of services to our Clients. Certified Rehabilitation Counselors are unique in comparison to other counseling professionals given their interaction with individual with

disabilities; no other counseling profession is primarily dedicated to working with individuals with all types of disabilities. The period post-injury for many Injured Workers is stressful. We act to alleviate the personal distress and suffering they have sustained after a life-changing injury; its impact to themselves, their family systems, and their overall livelihood. The planning phase is the most critical phase to ensure the Injured Worker appropriately pursues a vocational goal that will fit within the parameters of their physical and functional limitations and employment handicaps; finding a job that is comparable to the job which they were injured, in pay, benefits, employment status, level of responsibility, and education. However, this task requires more than 90-days to assess suitable gainful options that they may or may not be immediately qualified for or can perform, physical or psychologically. It takes time for an Injured Worker to adjust to their disability, and if still under medical treatment, be able to be cleared to proceed into a plan (albeit return to usual and customary, modified/alternate work, direct placement or training).

According to §12-14-46 Determination (b), the employee is not precluded from enrolling in any provided future program if the director, based on the physician's medical reports and other information, finds that the employee's injury or illness is such that rehabilitation is feasible. Considering this administrative rule, the Injured Worker can continue to participate in Vocational Rehabilitation services; however, if unable to enter into plan for medical reasons, but can participate in other services provided, then the 90-day timeframe to submit a plan is unreasonable.

Finally, the citation to which DHRD used to submit in their testimony to change the language is demonstrative of the model used under Federal and State Vocational Rehabilitation Programs where amendments, modifications or revisions of the plan are uncapped.

Per §12-14-7 Revision or modification to an approved vocational rehabilitation plan. A revision or modification to a approved plan shall be filed with the director for approval pursuant to sections 12-14-5 and 12-14-10. **A revision to a plan can be made no more than once.** Workers' Compensation Private VR Providers do not have the ability to submit additional amendments; and may cause administrative issues should the plan be prematurely submitted. Limiting the exploration, planning, and submission of plan process to 90-days may create unnecessary costs in time and money to the Client, the Provider, the Employer, and the Carrier. Henceforth,

I recommend that HRS 386-25 (f) be written as previous to, "(f) A provider shall file the employee's plan with the approval of the employee. Upon receipt of the plan from the provider, an employee shall have ten days to review and sign the plan. The plan shall be submitted to the employer and the employee and be filed with the director within two days from the date of the employee's signature. A plan shall include a statement of the feasibility of the vocational goal, using the process of:..."

Excluding the language highlighting the "90-days after provider submit evaluation report, unless..."

I respectfully request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

Kirsten H. Yonamine, M.Ed, CRC, LMHC
P.O. Box 4420
Kaneohe, HI 96744
Phone: (808) 751-2667
Fax: (808) 509-2705
Email: Kirstenyonamine@gmail.com

February 17, 2025

The Honorable Scot Z. Matayoshi, Chair
The Honorable Cory M. Chun, Vice Chair
Committee on Consumer Protection & Commerce
Thirty-Third Legislature, 2025
State Capitol, Room 329 Via Videoconference

RE: HB423 HD1 – Relating to Worker's Compensation

Dear Chair Scott Z. Matayoshi and Vice Chair Cory M. Chun:

As a provider of vocational rehabilitation services, I have seen the impact of injuries on clients. Initial stages of services as a result are focused on adjustment to disability counseling as clients struggle with the reality of living life with permanent limitations, pain, anxiety, depression, loss of their employment and impact to finances. Helping clients to learn to accept their limitations and develop the ability to live with their disabilities so that they can move forward to focus on living their lives with meaning and a "new normal" takes time and cannot be forced. Thus a "one size fits all" timeframe of 90 days should not be placed on plan submission. The client's ability to move forward with return to work will also depend on their individual cases and the severity of their injury, support system, and ability to obtain the medical and psychological services needed in a timely manner.

As a result, I am opposed to the revisions to HB 423 as indicated in HB423 HD1 with reference to plan submissions as noted:

[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee no later than ninety days after ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I am also recommending that HRS 386-25 (f) remain as currently written.

Thank you for this opportunity to submit testimony and your consideration of the above.

Very truly yours,



Kirsten H. Yonamine, M.Ed., CRC, LMHC
Rehabilitation Specialist

cc: File

HB-423-HD-1

Submitted on: 2/18/2025 8:30:54 AM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Xavier Herrera	Individual	Oppose	Written Testimony Only

Comments:

FROM:

Xavier F. Herrera

Vocational Rehabilitation Participant

DATE:02/17/2025

RE:HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING

Wednesday, February 19, 2025

Time: 2:00 p.m.

State Capitol - 329 VIA VIDEO CONFERENCE

I, Xavier F. Herrera, a participant in the Workers' Compensation Vocational Rehabilitation Program oppose the following revision to H.B. 423 as noted in

H.B. 423 HD1:

[-(-e-)] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chu, Vice Chair

FROM: BERNADETTE UYESONO
Vocational Rehabilitation Participant

DATE: 02/18/2025

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING
Wednesday, February 19, 2025
Time: 2:00 p.m.
State Capitol - 329 VIA VIDEO CONFERENCE

I, BERNADETTE UYESONO, a participant in the Workers' Compensation Vocational Rehabilitation Program **oppose** the following revision to H.B. 423 as noted in H.B. 423 HD1:

[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee **no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.**

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

HB-423-HD-1

Submitted on: 2/18/2025 10:50:38 AM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcia Berkowitz	Individual	Oppose	Written Testimony Only

Comments:

This legislation will inherently cause more difficulties for the Disability Compensation Divison's Vocational Rehabilitation Unit as this legislation calls for agreement between 3 different parties, the employer, counselor and injured worker. What if there is no agreement between these parties? Obviously this bill does not clarify the situation, rather muddies the waters for all parties involved. The injured worker needs to be the priority, not an arbitrary deadline which will then trigger adjudication from DCD-VRU.

Thank you for your time and attention.

Sincerely,

Marcia Berkowitz

HB-423-HD-1

Submitted on: 2/18/2025 12:07:09 PM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alisha kalawaia	Individual	Oppose	Written Testimony Only

Comments:

TO:COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Scot Z. Matayoshi, Chair

Rep. Cory M. Chu, Vice Chair

FROM: Alisha Kalawaia _____

Vocational Rehabilitation Participant

DATE:02/17/2025

RE:HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING

Wednesday, February 19, 2025

Time: 2:00 p.m.

State Capitol - 329 VIA VIDEO CONFERENCE

I, Alisha Kalawaia, a participant in the Workers'

Compensation Vocational Rehabilitation Program *oppose* the following revision to H.B. 423 as noted in

H.B. 423 HD1:

~~[-(-e-)-]~~ (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

I suffered from a stress claim and was referred to vocational rehab within a year after my injury. I was suicidal and depressed. My primary provider, a psychologist referred me to vocational rehab within a year. I was unable to focus and devastated but psychologist believed this would help me to look to my future with vocational rehabilitation

My psychologist retired and the employer has blocked me from having care. Thereby for 2-3 years the only person I had to ventiliate to was my vocational rehab counselor. Although the vocational counselor could not provide all the services a psychologist I received emotional support as well as looking for jobs.

My vocational rehabilitation specialist submitted plans and the division of vocational rehab could not make a decision due to the employer objecting. At this time the employer continues refuse medical care and denied plan. Thereby I went to a hearing and a decision was able to continue vocational rehab.

Another plan was submitted by vocational rehab specialist and the VR division of department of labor could not make a decision. So I will again go to a hearing.

Note, if the plan was approved initially, I would have been completed my one year education and probably found a job. However, I am still looking for a job and trying to get a 1 year training to pursue my vocational goal.

H.B. 423 HD1: The following individuals with signatures below **OPPOSE** the following revision to H.B. 423 as noted in H.B. 423 HD1, [(-e-)] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

[illegible]

H.B. 423 HD1: The following individuals with signatures below **OPPOSE** the following revision to H.B. 423 as noted in H.B. 423 HD1, [-(e)-] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

PRINT NAME SIGNATURE ADDRESS DATE

Sloane Stanley

A handwritten signature in black ink, appearing to read 'Sloane Stanley', written in a cursive style.

H.B. 423 HD1: The following individuals with signatures below **OPPOSE** the following revision to H.B. 423 as noted in H.B. 423 HD1, [(-e-)] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

[illegible]

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chu, Vice Chair

FROM: Jean McAuliffe
Vocational Rehabilitation Participant

DATE: 02/18/2025

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING
Wednesday, February 19, 2025
Time: 2:00 p.m.
State Capitol - 329 VIA VIDEO CONFERENCE

I, Jean McAuliffe, a participant in the Workers' Compensation Vocational Rehabilitation Program **oppose** the following revision to H.B. 423 as noted in H.B. 423 HD1:

[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee **no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.**

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

HB-423-HD-1

Submitted on: 2/18/2025 1:58:54 PM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurie hamano	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern;

My name is Laurie Hamano M. Ed CRC LMHC. I am a licensed mental health counselor and am owner of Vocational Management Consultants Inc. as well as a certified rehabilitation counselor and worked with injured workers for the past 40 years. I am opposed to this bill with it's recent amendments regarding requiring a rehabilitation plan to be developed in 90 days from submission of the initial evaluation report. This is problematic as each client has a different medical situation and his/her ability to return to work might not be determined as of that date. You cannot apply a "cookie cutter" manner to return to work and deal with each injured worker's medical condition, work situation and psychological status. I oppose this bill. Thank you for the opportunity to provide your committee with my testimony.

Laurie H. Hamano M.Ed. CRC LMHC

(808) 256-0204

1239 Aulepe Street

Kailua, HI 96734

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chun, Vice Chair

FROM: Carrie Noborikawa

DATE: 2/18/25

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING
Wednesday, February 19, 2025
TIME: 2:00 PM State Capital - 329 VIA VIDEOCONFERENCE

I, Carrie Noborikawa, a former participant in the vocational rehabilitation program, **opposes** the following revision to HB 423 as noted in HB 423 HD1:

~~[-(e-)]~~ (f) A provider shall file the employee's plan with the approval of the employee no later than ninety days after ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

As an injured worker, it was the most difficult years of my life that impacted my entire family. By the time I was told I had to start vocational training, I was an emotional and physical mess. After all, I got hurt at work and had every intention of returning. At this point, I understood my injuries and physical limitations were out of my control for treatment and subject to denials and hearings. For example, while trying to work on a part-time basis I also injured my shoulder. The WC-1 I filed with my employer took the insurance company more than one year to deny the injury. It would have been longer if my Vocational Rehabilitation Counselor did not act on behalf as my advocate.

After completing the Initial Evaluation with my counselor, I began the application process to find a job that would accommodate my transferable skills. It took more than 90 days to complete.

We, as injured workers, have little to stand on. Our injuries to our bodies are not ours to fix, but subject to approval. We as injured workers take a 34% cut in pay. We, as injured workers, are told to trust the people put before us. Every delay impacts the ability of full recovery. Every choice impacts our future. 90 Days is not enough time to develop a vocational plan. Please remember, getting injured at our work was not intentional, but an accident.

I will also be bringing in hard copies of signatures opposing the revision by the hearing date 2/19/2025 at 2:00pm.

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chu, Vice Chair

FROM: EDDIE WONG
Vocational Rehabilitation Participant Interpreter

DATE: 02/17/2025

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING
Wednesday, February 19, 2025
Time: 2:00 p.m.
State Capitol - 329 VIA VIDEO CONFERENCE

I, EDDIE WONG, ^{& interpreter} a participant in the Workers'

Compensation Vocational Rehabilitation Program oppose the following revision to H.B. 423 as noted in H.B. 423 HD1:














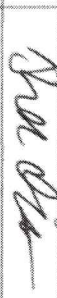
[-(c)-] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

Edie
02/18/2025

EDDIE WONG
1818 LIME ST.
HONOLULU, HI 96826
(808) 650-1001

H.B. 423 HD1: The following individuals with signatures below **OPPOSE** the following revision to H.B. 423 as noted in H.B. 423 HD1, [(e)-(j)] (D) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

PRINT NAME	SIGNATURE	ADDRESS	DATE
SACME LOPEZ		747 WILSON ST PH 6 HONOLULU, HI 96826	2/18/25
Ida Goff		1326 Kaeunoku #206 HNL HI 96814	2/18/25
John Huang		2805 Wiman Avenue Apt. C Honolulu, HI 96816	2/18/25
Smith Asukar		1416A LANA KILA AVE HONOLULU HAWAII 96817	2/18/25
RHODA NAVOR		1225 NAKUINA ST. HONOLULU, HAWAII 96819	2/18/25
Gory Silva		1917 Ahuwa St Honolulu, Hawaii 96819	2/18/25
Samantha Noborikawa		1275 ALA ALI ST. HONOLULU, HI 96813	2/18/25
Terry Kimura		278 Ilihan St. Kaliua, HI 96734	2/18/25
Jimmy Labaque		45-1028 Awaia Dr Apt 4 Kaliua HI 96744	02/18/2025
Taylor Fujimoto		94-1367 Waiipahu St Waiipahu, HI 96794	2/18/25
Helen Lau		94-1039 Leikua St, Apt 207 Wahiawa, HI 96786	2/18/25
Brianna Fujimoto		781 Waikea St, Apt 308 Kapolei, HI 96707	2/18/25
Miya Orozco		94-1022 Kaloia Loop, Napaahu, HI 96797	2/18/25
Kelli Otsuka		2394 Anahulu St. Pearl City, HI 96782	2/18/25

LATE

HB-423-HD-1

Submitted on: 2/18/2025 3:34:47 PM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cloe Palomares	Individual	Oppose	Written Testimony Only

Comments:

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Scot Z. Matayoshi, Chair

Rep. Cory M. Chu, Vice Chair

FROM: Cloe Palomares.

Vocational Rehabilitation Participant

DATE: 02/17/2025

RE: HB423 HD1 - RELATING TO WORKERS' COMPENSATION HEARING

Wednesday, February 19, 2025

Time: 2:00 p.m.

State Capitol - 329 VIA VIDEO CONFERENCE

I, Cloe Palomares, a participant in the Workers'

Compensation Vocational Rehabilitation Program oppose the following revision to H.B. 423 as noted in

H.B. 423 HD1:

~~[-(e)-]~~ (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep.Scot Z.Matayoshi,Chair
Rep.Cory M.Chu,Vice Chair

LATE

FROM: Smith Nera
Vocational Rehabilitation Participant

DATE: 02/17/2025

RE: HB423 HD1-RELATING TO WORKERS' COMPENSATION HEARING
Wednesday,February 19,2025
Time: 2:00 p.m.
State Capitol-329 VIA VIDEO CONFERENCE

I, Smith Nera, a participant in the Workers'

Compensation Vocational Rehabilitation Program oppose the following revision to H.B. 423 as noted in H.B.423 HD1:

[-(-e-)-] (f) A provider shall filethe employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep.Scot Z.Matayoshi,Chair
Rep.Cory M.Chu,Vice Chair

LATE

FROM: Janice Teo-Nera
Vocational Rehabilitation Participant

DATE: 02/17/2025

RE: HB423 HD1-RELATING TO WORKERS' COMPENSATION HEARING
Wednesday,February 19,2025
Time: 2:00 p.m.
State Capitol-329 VIA VIDEO CONFERENCE

I, Janice Teo-Nera a participant in the
Workers'

Compensation Vocational Rehabilitation Program oppose the following revision to H.B. 423 as noted in
H.B.423 HD1:

[-(-e-)-] (f) A provider shall filethe employee's plan with the approval of the employee no later
than 90 days after the provider submits an initial evaluation report, unless the employer, provider
and injured worker are agreeable to an extension of that deadline to a specific date by which the
vocational plan must be completed.

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

LATE

HB-423-HD-1

Submitted on: 2/19/2025 10:42:36 AM

Testimony for CPC on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Panoke	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill H.B 423 and request this committee to consider this opposition statement.
Thank you for this opportunity to testify.