

ACT 101

S. B. NO. 1008

A Bill for an Act Relating to Workmen's Compensation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 386, Hawaii Revised Statutes, is amended by adding a new section to read:

“Sec. 386-23.5 Services of attendant, allowance adjustments. (a) When the maximum allowed for procurement of services of an attendant as provided in section 386-23 is changed by law, any employee who has been totally and continuously disabled and has been awarded and is receiving a sum under this chapter to procure such services in an amount which is less than the new maximum allowed for this purpose shall be entitled, upon application, to a supplemental allowance calculated in accordance with the following provisions:

- (1) In any case where a totally disabled employee is receiving the maximum allowed at the time the award was made, the supplemental allowance shall be an amount which, when added to such award, will equal the new maximum allowance.
- (2) In any case where a totally disabled employee is receiving less than the maximum allowed at the time the award was made, the supplemental allowance shall be an amount equal to the difference between the amount the disabled employee is receiving and a percentage of the new maximum allowance by multiplying it by a fraction, the numerator of which is the amount he is receiving and the denominator of which is the maximum monthly allowance applicable at the time such award was made.

(b) As of the effective date of this section, any employee who has been totally and continuously disabled and has been awarded and is receiving a sum under this chapter to procure services of an attendant in an amount which is less than the maximum allowed for this purpose, shall be entitled, upon application, to an additional amount calculated in accordance with the following provisions:

- (1) In any case where a totally disabled person is receiving the maximum allowed under this chapter at the time the award was made, the supplemental allowance shall be an amount which, when added to such award, will equal the maximum allowance effective as of the date of this section.
- (2) In any case where a totally disabled person is receiving less than the maximum allowed under this chapter at the time the award was made, the supplemental allowance shall be an amount equal to the difference between the amount the disabled employee is receiving and a percentage of the maximum allowance as of the effective date of this section by multiplying it by a fraction, the numerator of which is the amount he is receiving and the denominator of which is the maximum monthly allowance applicable at the time such award was made.

(c) Any supplemental allowances awarded by the director pursuant to this section shall be paid to the employee from the special compensation fund.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 3. This Act shall take effect on July 1, 1973.

(Approved May 15, 1973.)

*Edited accordingly.