

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO MEDICAL COVERAGE.

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

1           SECTION 1. The legislature finds that firefighters can be  
2 exposed to contaminants from fires that are known or suspected  
3 to cause cancer. Firefighters are exposed to multiple  
4 carcinogens and toxicants through incident exposure as  
5 residential and vehicle fires release highly concentrated  
6 toxicants from plastics and synthetics. In October 2013,  
7 researchers from the National Institute for Occupational Safety  
8 and Health published a study that found that firefighters have a  
9 higher risk than the general population of being diagnosed with  
10 cancer. The study looked at cancers and cancer deaths among  
11 30,000 firefighters from Chicago, Philadelphia, and San  
12 Francisco fire departments and found that cancers of the  
13 respiratory, digestive, and urinary systems accounted for most  
14 of the higher rates of cancer in the study population,  
15 suggesting that firefighters are more likely to develop these  
16 types of cancers. Additionally, a study in 2005 showed that  
17 firefighters have significantly higher risks than the general



1 population of getting testicular cancer, multiple myeloma, non-  
2 Hodgkin's lymphoma, skin cancer, brain and malignant melanoma,  
3 rectal cancer, prostate cancer, buccal cavity and pharynx  
4 cancer, stomach cancer, colon cancer, and leukemia. The Hawaii  
5 Medical Service Association conducted a review of their members  
6 who were Hawaii firefighters in collective bargaining unit (11)  
7 over a defined period of time to estimate the incidence of  
8 cancer among certain Hawaii Fire Fighters Association members  
9 compared to a comparable population of Hawaii Medical Service  
10 Association members. Although the study was limited to two  
11 thousand male firefighters, the data showed that cancer rates  
12 among members of the Hawaii Fire Fighters Association were much  
13 higher than the general population for leukemia, buccal and  
14 pharynx cancer, colon cancer, prostate cancer, and brain and  
15 malignant melanoma.

16 The legislature further finds that H.C.R. No. 32, H.D. 1,  
17 S.D. 1, regular session of 2016, requested the convening of a  
18 task force to examine cancer in the firefighting profession.  
19 The task force discussed, among other things, recommendations  
20 for revisions to state workers' compensation laws that expedite  
21 the delivery of workers' compensation medical and other benefits



1 for firefighters diagnosed with cancer, the percentages of  
2 cancer diagnoses in Hawaii for the general population compared  
3 to firefighters, and estimated costs to the State and counties  
4 if there were to be an acceleration of workers' compensation  
5 benefits for firefighters diagnosed with cancer. These  
6 discussions led to the discovery that others states, such as  
7 Arizona, California, Nevada, North Dakota, and Virginia, have  
8 legislation that specifically mentions coverage of occupational  
9 diseases for firefighters due to the higher risks of contaminant  
10 exposure for firefighters.

11 The legislature notes that providing sufficient medical  
12 coverage for firefighters recognizes the inherent occupational  
13 hazards that come with the job, ensures that firefighters  
14 receive proper medical treatment in a timely manner, and lessens  
15 the impact of emotional toil, financial burdens, and decreased  
16 quality of life on the families of firefighters diagnosed with  
17 cancer.

18 The purpose of this Act is to:

- 19 (1) In the event of a controverted workers' compensation  
20 claim, require an injured employee's private health  
21 care plan to pay for or provide medical care,



1 services, and supplies; provided that when the claim  
2 is accepted, the employer shall reimburse the private  
3 health care plan and injured employee; and

4 (2) In the event of an accepted workers' compensation  
5 claim for leukemia, multiple myeloma, non-Hodgkin's  
6 lymphoma, or certain cancers by a firefighter with  
7 five or more years of service, require an employer to  
8 be liable for one hundred thirty-seven per cent of  
9 medical care, services, and supplies.

10 SECTION 2. Chapter 386, Hawaii Revised Statutes, is  
11 amended by adding two new sections to part II to be  
12 appropriately designated and to read as follows:

13 "§386- Medical care, services, and supplies for  
14 controverted claims. In the event of a controverted claim, the  
15 injured employee's private health care plan shall pay for or  
16 provide medical care, services, and supplies in accordance with  
17 the private health care contract. When the claim is accepted or  
18 determined to be compensable, the employer shall reimburse the  
19 private health care plan and the injured employee in such  
20 amounts as authorized by this chapter and rules adopted by the  
21 department.



1        §386-        Medical care, services, and supplies for  
2 firefighters suffering from cancer.    If a claim for leukemia,  
3 multiple myeloma, non-Hodgkin's lymphoma, or cancer of the lung,  
4 brain, stomach, esophagus, intestines, rectum, kidney, bladder,  
5 prostate, or testes filed by a firefighter with five or more  
6 years of service as a firefighter is accepted or determined to  
7 be compensable, section 386-21 remains applicable; provided that  
8 the employer shall be liable for medical care, services, and  
9 supplies not to exceed one hundred thirty-seven per cent of fees  
10 prescribed in the Medicare Resource Based Relative Value Scale  
11 applicable to Hawaii as prepared by the United States Department  
12 of Health and Human Services."

13        SECTION 3.    New statutory material is underscored.

14        SECTION 4.    This Act shall take effect on July 1, 2018.

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INTRODUCED BY: Ronny H. Baker

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[Handwritten signature]  
Clarence A. Smith

[Handwritten signature]  
Shane Mendoza

[Handwritten signature]  
Breanne Hunt

[Handwritten signature]  
Mike Hubbard



# S.B. NO. 2660

**Report Title:**

Workers' Compensation; Firefighters; Cancer; Medical Care, Services, and Supplies

**Description:**

In the event of a controverted workers' compensation claim, requires an injured employee's private health care plan to pay for or provide medical care, services, and supplies; provided that when the claim is accepted, the employer shall reimburse the private health care plan and injured employee. In the event of an accepted claim for leukemia, multiple myeloma, non-Hodgkin's lymphoma, or certain cancers by a firefighter with five or more years of service, requires an employer to be liable for 137 per cent of medical care, services, and supplies.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

