

STAND. COM. REP. NO. 3088

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2388  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 2388, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this measure is to clarify workers' compensation law on the provision of medical care, services, and supplies, that when a dispute exists between an injured employee and the employer or the employer's insurer regarding a proposed treatment plan or whether medical services should be continued, the injured employee shall continue to receive essential medical services until the Director of Labor and Industrial Relations issues a decision on whether the injured employee's medical treatment should be continued.

This measure further provides that if the Director of Labor and Industrial Relations determines that medical services pursuant to the treatment plan should be or should have been discontinued, the Director shall designate the date after which medical services under that treatment plan are denied. The employer or the employer's insurer may recover from the claimant's personal health care provider, or from any other appropriate occupational or non-occupational insurer, all the sums paid for medical services rendered after the date designated by the Director. The attending physician, injured employee, employer, or insurance carrier may request in writing that the Director review the denial of the treatment plan or the continuation of medical services.

2008-2047 SSCR SMA.doc



Your Committee received testimony in support of this measure from the Hawaii State Chiropractic Association; Hawaii Government Employees Association; Hawaii Chapter, American Physical Therapy Association; Hawaii State Teachers Association; ILWU Local 142; and two attorneys. Testimony in opposition was received from the Department of Human Resources Development, Department of Labor and Industrial Relations, American Insurance Association, Building Industry Association-Hawaii, The Chamber of Commerce of Hawaii, General Contractors Association of Hawaii, Hawaii Independent Insurance Agents Association, Hawaii Insurers Council, Hawaiian Electric Co. Inc., Maui Electric Company, Ltd., Hawaii Electric Light Company, Inc., National Federation of Independent Businesses, Property Casualty Insurers Association of America, Retail Merchants of Hawaii, Society for Human Resource Management Hawaii, and three individuals.

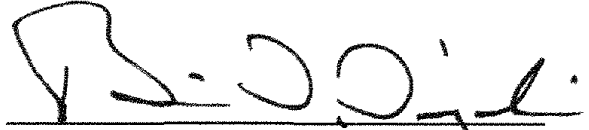
Your Committee finds that when a dispute exists between an injured employee and the employer or the employer's insurer regarding a proposed treatment plan or whether medical services should be continued, the injured employee should continue to receive essential medical services until the Director issues a decision on whether the injured employee's medical treatment should be continued. The intent of your Committee is to protect the injured worker by assuring a continuation of medical care while any disputes are being adjudicated administratively.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to continue discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2388, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2388, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

Record of Votes  
Committee on Judiciary and Labor  
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2388 HD1	JDL, WAM	3-18-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes