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# A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1           SECTION 1. Section 386-21, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3           "(c) The liability of the employer for medical care,  
4 services, and supplies shall be limited to the charges computed  
5 as set forth in this section. The director shall make  
6 determinations of the charges and adopt fee schedules based upon  
7 those determinations. Effective January 1, 1997, and for each  
8 succeeding calendar year thereafter, the charges shall not  
9 exceed one hundred ten per cent of fees prescribed in the  
10 Medicare Resource Based Relative Value Scale system applicable  
11 to Hawaii as prepared by the United States Department of Health  
12 and Human Services, except as provided in this subsection.  
13 Effective January 1, 2010, and for each succeeding calendar year  
14 thereafter, the charges shall not exceed \_\_\_\_\_ per cent of  
15 fees prescribed in the Medicare Resource Based Relative Value  
16 Scale system applicable to Hawaii as prepared by the United  
17 States Department of Health and Human Services, except as  
18 provided in this subsection. The rates or fees provided for in



1 this section shall be adequate to ensure at all times the  
2 standard of services and care intended by this chapter to  
3 injured employees.

4 If the director determines that an allowance under the  
5 medicare program is not reasonable, or if a medical treatment,  
6 accommodation, product, or service existing as of June 29, 1995,  
7 is not covered under the medicare program, the director, at any  
8 time, may establish an additional fee schedule or schedules not  
9 exceeding the prevalent charge for fees for services actually  
10 received by providers of health care services to cover charges  
11 for that treatment, accommodation, product, or service. If no  
12 prevalent charge for a fee for service has been established for  
13 a given service or procedure, the director shall adopt a  
14 reasonable rate that shall be the same for all providers of  
15 health care services to be paid for that service or procedure.

16 The director shall update the schedules required by this  
17 section every three years or annually, as required. The updates  
18 shall be based upon:

19 (1) Future charges or additions prescribed in the Medicare  
20 Resource Based Relative Value Scale system applicable  
21 to Hawaii as prepared by the United States Department  
22 of Health and Human Services; or



1           (2) A statistically valid survey by the director of  
2           prevalent charges for fees for services actually  
3           received by providers of health care services or based  
4           upon the information provided to the director by the  
5           appropriate state agency having access to prevalent  
6           charges for medical fee information.

7           When a dispute exists between an insurer or self-insured  
8           employer and a medical services provider regarding the amount of  
9           a fee for medical services, the director may resolve the dispute  
10          in a summary manner as the director may prescribe; provided that  
11          a provider shall not charge more than the provider's private  
12          patient charge for the service rendered."

13          SECTION 2. New statutory material is underscored.

14          SECTION 3. This Act shall take effect on July 1, 2009.



**Report Title:**

Workers' Compensation; Medical Rates; Fees

**Description:**

Increases the fee schedule of compensation for medical care in workers' compensation cases from 110% to \_\_\_\_\_ of the Medicare Resource Based Relative Value Scale system applicable to Hawaii as prepared by the United States Department of Health and Human Services. (HB1390 HD1)

