
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-79, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§386-79 Medical examination by employer's physician.** (a)

4 After an injury and during the period of disability, the
5 employee, whenever ordered by the director of labor and
6 industrial relations, shall submit to examination, at reasonable
7 times and places, by a duly qualified physician or surgeon
8 designated and paid by the employer. The employee shall have
9 the right to have a physician ~~[or]~~, surgeon, or chaperone
10 designated and paid by the employee present at the examination,
11 which right, however, shall not be construed to deny to the
12 employer's physician the right to visit the injured employee at
13 all reasonable times and under all reasonable conditions during
14 total disability. The employee shall also have the right to
15 record such examination by a recording device designated and
16 paid for by the employee; provided that the examining physician
17 or surgeon approves of the recording.



1 If an employee refuses to submit to, or the employee or the
2 employee's designated chaperone in any way obstructs such
3 examination, the employee's right to claim compensation for the
4 work injury shall be suspended until the refusal or obstruction
5 ceases and no compensation shall be payable for the period
6 during which the refusal or obstruction continues.

7 (b) In cases where the employer is dissatisfied with the
8 progress of the case or where major and elective surgery, or
9 either, is contemplated, the employer may appoint a physician or
10 surgeon of the employer's choice who shall examine the injured
11 employee and make a report to the employer. If the employer
12 remains dissatisfied, this report may be forwarded to the
13 director.

14 Employer requested examinations under this section shall
15 not exceed more than one per case unless good and valid reasons
16 exist with regard to the medical progress of the employee's
17 treatment. The cost of conducting the ordered medical
18 examination shall be limited to the complex consultation charges
19 governed by the medical fee schedule established pursuant to
20 section 386-21(c)."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval;
7 provided that on June 30, 2019, this Act shall be repealed and
8 section 386-79, Hawaii Revised Statutes, shall be reenacted in
9 the form in which it read on the day before the effective date
10 of this Act.



Report Title:

Workers' Compensation; Medical Examination; Chaperone; Recording Devices

Description:

Grants an employee the right to have a chaperone present during an independent medical examination relating to a work injury for workers' compensation purposes and, with the approval of the examining physician or surgeon, to record the medical examination. Specifies that if an employee or employee's chaperone obstructs the medical exam, the employee's right to workers' compensation shall be suspended until the obstruction ceases. Repeals on 6/30/2019. (CD1)

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