
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 its 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 medical care, services, and supplies up
9 to one hundred thirty-seven per cent of fees
10 prescribed in the Medicare Resource-Based Relative
11 Value Scale.

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

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



1 amounts as authorized by this chapter and rules adopted by the
2 department.

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

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

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

Description:

Expedites workers' compensation claims by firefighters by requiring the injured firefighter's private insurance to pay the costs of a controverted claim, subject to reimbursement upon a later finding that the claim is compensable. Requires reimbursement of up to 137 percent of the Medicare reimbursement rate for claims for certain specified types of cancer. (SB2660 HD1)

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