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



1 Any person selected or appointed to perform an independent
2 medical examination or permanent impairment rating examination
3 pursuant to this section shall examine the employee within
4 calendar days of the person's receipt of the notice of the
5 selection or appointment. The employee shall be provided a copy
6 of the report of the independent medical examination or
7 permanent impairment rating examination no later than
8 calendar days after the date of the examination.

9 If an employee refuses to submit to, or the employee or the
10 employee's designated chaperone in any way obstructs such
11 examination, the employee's right to claim compensation for the
12 work injury shall be suspended until the refusal or obstruction
13 ceases and no compensation shall be payable for the period
14 during which the refusal or obstruction continues."

15 SECTION 2. Act 172, Session Laws of Hawaii 2017, is
16 amended by amending section 4 to read as follows:

17 "SECTION 4. This Act shall take effect upon its approval [~~7~~
18 ~~provided that on June 30, 2019, this Act shall be repealed and~~
19 ~~section 386-79, Hawaii Revised Statutes, shall be reenacted in~~
20 ~~the form in which it read on the day before the effective date~~
21 ~~of this Act]."~~



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 Statutory material to be repealed is bracketed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

6 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Workers' Compensation; Independent Medical Examination

Description:

Requires persons performing an independent medical exam or permanent impairment rating exam for a workers' compensation work injury examine the employee within an unspecified period of time upon receipt of notice. Requires that the employee be provided a copy of the exam. (HB389 HD1)

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