A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

SECTION 1. Section 386-94, Hawaii Revised Statutes, is amended to read as follows:

"§386-94 [Attorneys, physicians,] Physicians, other health care providers, and other fees. Claims for services shall not be valid unless approved by the director or, if an appeal is had, by the appellate board or court deciding the appeal. Any claim so approved shall be a lien upon the compensation in the manner and to the extent fixed by the director, the appellate board, or the court.

[In approving fee requests, the director, appeals board, or court may consider factors such as the attorney's skill and experience in state workers' compensation matters, the amount of time and effort required by the complexity of the case, the novelty and difficulty of issues involved, the amount of fees awarded in similar cases, benefits obtained for the claimant, and the hourly rate customarily awarded attorneys possessing}
similar skills and experience. In all cases, reasonable
attorney's fees shall be awarded.]

Any person who receives any fee, other consideration, or
gratuity on account of services so rendered, without approval,
in conformity with the preceding paragraph, shall be fined by
the director not more than $10,000."

SECTION 2. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _______________

JAN 23 2020
Report Title:
Workers' Compensation; Attorney's Fees

Description:
Removes the guidelines for determining attorney's fees for
claimants in workers' compensations claims.

The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.