
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION MEDICAL BENEFITS.

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

1 SECTION 1. The legislature finds that in the course of
2 duty, firefighters are exposed to contaminants known or
3 suspected to cause cancer. Although fire departments use the
4 best equipment and management practices available, firefighters
5 are regularly exposed to multiple carcinogens since residential
6 and vehicular fires release highly concentrated toxicants from
7 burning plastics and other synthetic materials. In October
8 2013, researchers from the National Institute for Occupational
9 Safety and Health published a study finding that firefighters
10 have a higher risk for cancer than the general population. The
11 study reviewed cancer diagnoses and deaths among thirty thousand
12 firefighters from the Chicago, Philadelphia, and San Francisco
13 fire departments and found that oral cancer and cancers of the
14 respiratory, digestive, and urinary systems were the most common
15 diagnoses.

16 The legislature further finds that House Concurrent
17 Resolution No. 32, House Draft 1, Senate Draft 1, regular



1 session of 2016, convened a task force to examine issues
2 pertaining to cancer in the firefighting profession. The task
3 force found that some states, including Arizona, California,
4 Nevada, North Dakota, and Virginia, have statutorily provided
5 for special benefit programs for firefighters diagnosed with
6 cancer due to the higher occupational risk they assume in the
7 performance of their duties.

8 The legislature believes that providing sufficient workers'
9 compensation coverage for firefighters will ensure that
10 firefighters receive proper medical treatment in a timely manner
11 while reducing the emotional toil, financial burden, and impact
12 of a decreased quality of life on firefighters diagnosed with
13 cancer and their families.

14 The purpose of this Act is to address medical claims and
15 include an expanded list of target organs identified in the
16 University of Cincinnati study. The legislature notes that this
17 Act does not create any new benefits or enhance the existing
18 benefits available to firefighters. Rather, this Act improves
19 firefighters' access to comprehensive medical coverage while
20 addressing medical coverage for specific organs affected by
21 diseases arising out of and in the course of their employment.



1 SECTION 2. Chapter 386, Hawaii Revised Statutes, is
2 amended by adding two new sections to part II, subpart A, to be
3 appropriately designated and to read as follows:

4 "§386- Medical care, services, and supplies for
5 controverted claims. In the event of a controverted claim, the
6 injured employee's private health care plan shall pay for or
7 provide medical care, services, and supplies in accordance with
8 the private health care contract. When the claim is accepted or
9 determined to be compensable, the employer shall reimburse the
10 private health care plan and the injured employee in amounts as
11 authorized by this chapter and rules adopted by the director.

12 §386- Medical care, services, and supplies for
13 firefighters suffering from cancer. If a claim for leukemia,
14 multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung,
15 brain, stomach, esophagus, intestines, rectum, kidney, bladder,
16 prostate, or testes filed by an employee with five or more years
17 of service as a firefighter is accepted or determined to be
18 compensable, the provisions of section 386-21 shall remain
19 applicable; provided that the employer shall be liable for
20 medical care, services, and supplies for a minimum of one
21 hundred ten per cent, and not to exceed per cent of fees



1 prescribed in the Medicare Resource Based Relative Value Scale
2 applicable to Hawaii as prepared by the United States Department
3 of Health and Human Services."

4 SECTION 3. New statutory material is underscored.

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



Report Title:

State Fire Council Package; Cancer; Workers' Compensation
Medical Benefits

Description:

Improves access for firefighters to comprehensive medical benefits under the Workers' Compensation Law upon diagnosis of cancer that is presumed to arise out of and in the course of employment. Requires private health care plans to pay for or provide medical care, services, and supplies to injured employees for controverted workers' compensation claims that are accepted or determined to be compensable. (HB1778 HD1)

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

