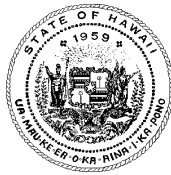


**JOSH GREEN, M. D.**  
GOVERNOR  
KE KIA'ĀINA

**SYLVIA LUKE**  
LT. GOVERNOR  
KA HOPE KIA'ĀINA



**BRENN H. HASHIMOTO**  
DIRECTOR  
KA LUNA HO'OKELE

**BRIAN K. FURUTO**  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

**STATE OF HAWAII | KA MOKU'ĀINA O HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
**KA 'OIHANA HO'OMŌHALA LIMAHANA**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

Statement of  
**BRENN H. HASHIMOTO**  
Director, Department of Human Resources Development

Before the  
**SENATE COMMITTEE ON WAYS AND MEANS**  
Friday, April 4, 2025  
10:46 AM  
State Capitol, Conference Room 211

In consideration of  
**HB423 HD2 SD1, RELATING TO WORKERS' COMPENSATION**

Chair Dela Cruz, Vice Chair Moriwaki, and the members of the committee:

The Department of Human Resources Development (HRD) is in support of HB423 HD2 SD1.

The bill proposes to:

- Clarify the process for selecting a certified provider of rehabilitation services.
- Requires providers to automatically approve vocational rehabilitation services for an injured employee if those services will likely be required for suitable gainful employment.

As a self-insured, centralized administrator of workers' compensation benefits, HRD appreciates the intent of the measure which clarifies the process for referrals to vocational rehabilitation specialists and the development of rehabilitation plans. As drafted, the bill affirms the responsibilities of the injured worker, the vocational rehabilitation specialist, and the employer, and supports the objective of returning an injured worker to suitable gainful employment as quickly as possible in a cost-effective manner.

We appreciate the Senate Committee on Labor and Technology's inclusion of our requested amendments to the HD2 version of the bill and support the SD1. We are available to answer any questions or provide further information as needed.



STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA

April 4, 2025

To: The Honorable Donovan M. Dela Cruz, Chair,  
The Honorable Sharon Y. Moriwaki, Vice Chair, and  
Members of the Senate Committee on Ways and Means

Date: Friday, April 4, 2025

Time: 10:46 a.m.

Place: Conference Room 211, State Capitol

From: Jade T. Butay, Director  
Department of Labor and Industrial Relations (DLIR)

Re: **H.B. 423 H.D.2 S.D.1 RELATING TO WORKERS' COMPENSATION**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The DLIR offers comments & suggests amendments to HB423 HD2SD1. This measure proposes to amend Title 21 (Labor and Industrial Relations), Chapter 386 (Workers' Compensation Law) of the Hawaii Revised Statutes (HRS), by amending §386-25 to:

- Clarify the process of selecting a certified provider of rehabilitation services,
- Require providers to automatically approve vocational rehabilitation services for an injured employee when it is determined that vocational rehabilitation services are needed for the injured employee to return to suitable gainful employment, and
- Require providers to file an employee's vocational plan no later than ninety days after submitting an initial evaluation report, with certain exceptions.

**II. CURRENT LAW**

§386-25 provides in part that the purposes of vocational rehabilitation include restoring an injured worker's earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner.

§386-25(d) requires a provider to submit an initial evaluation report of the

employee to the employer and the director within forty-five days of the date of referral or selection. The evaluation shall determine whether the employee requires vocational rehabilitation services to return to suitable gainful employment, identify the necessary services, and state whether the provider can provide these services.

### **III. COMMENTS ON THE HOUSE BILL**

The DLIR agrees that early intervention and participation in a Vocational Rehabilitation (VR) program can contribute greatly to a successful return to work for injured employees. The stated purpose of this measure comports with the intent of §386-25 to assist the injured employee return to the active labor force and restore the employees earning capacity to nearly as possible to the level they earned at time of injury, as quickly as possible, and in a cost-effective manner.

The DLIR appreciates the intent of this measure to provide a streamlined process to assist these injured employees back to the labor force and suggests the following improvements:

- Pg. 4 lines 15-18 specifies that the injured employee shall select a certified provider no later than thirty days after the referral is made *by the director*. An injured employee, however, has the right to self-refer themselves to VR services and thus the director may not be the one making the referral. The DLIR therefore recommends striking “by the director” on lines 17 to 18.

## TESTIMONY OF MILIA LEONG

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COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

Friday, April 4, 2025  
10:46 a.m.

### **HB 423, HD2, SD1**

Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means, my name is Milia Leong, Executive Claims Administrator for HEMIC Insurance Managers, Inc. and the Workers' Compensation Policy Committee Chair for Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** the intent of this bill. Providing a specific timeline for the selection of a vocational rehabilitation counselor will avoid any unnecessary delays in the vocational rehabilitation process and ensures the injured workers' timely return to gainful employment. While we also support a timeline for the vocational rehabilitation counselors to submit a plan, we note that ninety (90) days may not be sufficient. We urge this committee to pass the bill and encourage the House and Senate to work out a reasonable timeframe in conference committee.

Thank you for the opportunity to testify.

April 2, 2025

TESTIMONY HB-423 SD1

Our law office represent hundreds of injured workers in workers compensation claims on all islands of Hawaii over the years. I oppose the following revision to HB 423 as noted in HB 423 HD1: [-(e)-] (f) A provider shall file the employee's plan with the approval of the employee no later than 90 days after the provider submits an initial evaluation report, unless the employer, provider and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.

The vocational rehabilitation process is very important to many injured workers who cannot return to their original jobs. This is especially critical to those who have only certain limited skills or minimal education, live in a rural area on the neighbor islands which have fewer job opportunities, or have very serious injuries, including surgeries and life long life pain management. The existing flexible vocational rehabilitation system in Hawaii is working well, especially for these employees.

I have personally worked with hundreds of injured workers who need time for a vocational rehabilitation counsellor to determine feasibility, perform testing, and exploring with injured workers various different opportunities, training and education opportunities to return to gainful employment as required under §386-25. The law rightfully requires the counsellor to assist the injured employee return to the active labor force and restore the employee's earning capacity to nearly as possible to the level they earned at time of injury.

To return an injured worker many who have had surgery(ies) to a new occupation or job is not an easy task. It is very difficult, in fact, for many injured workers, since there are many injured workers who are have emotional and mental, including depression and anxiety, financial, as well as ongoing pain issues, medical treatments and rehabbing physical limitations during this time frame. Faced with these obstacles while taking steps to review

job opportunities and new job market makes a 90-day arbitrary time limit in this scenario to submit a comprehensive rehabilitation plan to be unreasonable. Moreover, the injured worker's employer, who the employee is not able to return to work for and under step 2 of this process has not been willing to accommodate the injured employee, should not have a veto power over any extension of time to complete a viable plan.

For all above good reasons and to continue the original humanitarian purpose of Hawaii's workers compensation law, I strongly recommend excluding the language highlighting the "90-days after provider submit evaluation report, unless..." .

Thank you for the opportunity to share these numerous factual examples of how Hawaii's existing workers compensation system currently helps our injured workers find employment after an injury at work.

Anson O. Rego  
Rego & Nakoa, AL, ALC



### **Hawaii Medical Association**

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814  
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

#### **SENATE COMMITTEE ON WAYS AND MEANS**

Senator Donovan M Dela Cruz, Chair

Senator Sharon Y Moriwaki, Vice Chair

Date: April 4, 2025

From: Hawaii Medical Association (HMA)

Jerald Garcia MD - Chair, HMA Public Policy Committee

**RE HB 423 HD 2 SD 1 RELATING TO WORKERS' COMPENSATION** - Workers' Compensation; Vocational Rehabilitation Services; Certified Providers; Automatic Approval

#### **Position: Support**

This measure would clarify the process for selecting a certified provider of rehabilitation services, require providers to automatically approve vocational rehabilitation (VR) services for an injured employee if those services will likely be required for suitable gainful employment, and require providers to file an employee's vocational plan no later than ninety days after submitting an initial evaluation report, with certain exceptions.

Patients with work-related injury or illness need prompt evaluation, diagnosis and treatment. Timely access to a VR program, typically provided by an Occupational Therapist as part of a public or private VR agency, is necessary to support the patient's recovery and safe return to gainful employment to the best of their abilities. HMA supports this measure that clarifies the process for VR services following Initial Evaluation, allowing automatic approval for these needed, time-sensitive services that support Hawaii patients with work related illness or injury.

Thank you for allowing the Hawaii Medical Association to testify in support of this measure.

#### **2025 Hawaii Medical Association Officers**

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President  
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

#### **2025 Hawaii Medical Association Public Policy Coordination Team**

Jerald Garcia, MD, Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

## REFERENCES AND QUICK LINKS

State of Hawaii. [Disability Compensation Division](#). About Workers' Compensation (WC). Accessed February 4 2025.

Yorton S. Lawmaker Posts Rare Win For Injured Workers — And Pushes For More. [Honolulu Civil Beat](#). [July 31 2024](#). Accessed February 4 2025.

Matayoshi CC. How to get worker's comp for work-related injury, illness. KHON.com. Apr 8 2024. Accessed February 4 2025.

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### **2025 Hawaii Medical Association Officers**

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President  
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

### **2025 Hawaii Medical Association Public Policy Coordination Team**

Jerald Garcia MD, Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director





**HAWAII REHABILITATION COUNSELING ASSOCIATION**  
**120 Pauahi Street, Room 206B**  
**Hilo, HI 96720**

**TO: COMMITTEE ON WAYS AND MEANS**  
**Senator Donovan M. Dela Cruz, Chair**  
**Senator Sharon Y. Moriwaki, Vice Chair**

**FROM: Lanelle Yamane, MS, CRC, LMHC**  
President  
Certified Rehabilitation Counselor

**DATE: 4/2/25**

**RE: HB 423, HD2, SD1 - RELATING TO WORKERS' COMPENSATION**  
**HEARING**

**DATE: Friday, April 4, 2025**

**TIME: 10:46 AM**

**PLACE: Conference Room 211 & Videoconference**  
**State Capitol 415 South Beretania Street**

The Hawaii Rehabilitation Counseling Association **opposes** the following revision to HB 423 as noted in HB 423 HD1, SD1:

[(-e-)] (f) A provider shall file the employee's plan with the approval of the employee **no later than ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured employee agree to an extension of that deadline to a specific date by which the plan shall be completed.**

Injured workers are going through the adjustment to disability change process and typically enroll in a vocational rehabilitation program while in the denial phase (dealing with anger, grief, and depression) and counseling is needed to help them accept and adjust to their disability before a feasible vocational goal can be identified to submit a rehabilitation plan. Injured workers are not ready to develop a rehabilitation plan until they accept the reality of having permanent impairment and work limitations. Acceptance of change is not a quick process nor can it be forced upon a person within a pre-determined time frame without harm to the individual.

A change of career or occupation is difficult and an injured worker needs time and guidance to explore their vocational options with their vocational rehabilitation counselor to make an informed decision.

An injured worker needs time to benefit from vocational rehabilitation services prior to rehabilitation plan development. These services include: adjustment to disability counseling, vocational exploration, transferrable skills analysis, job search skills improvement, understanding the labor market and the vocational choices available,

vocational evaluation services, and thorough rehabilitation plan development. The aforementioned services cannot be accomplished within only ninety days.

Injured workers are also referred and enrolled in vocational rehabilitation while they are going through medical treatment and they may not be medically stable and physically/psychologically ready to formulate a rehabilitation plan within ninety days.

Additionally, the Federal/State vocational rehabilitation system allows for uncapped modifications or revisions of a vocational rehabilitation plan whereas the Worker's Compensation vocational rehabilitation system allows for only one revision to a rehabilitation plan. If the Federal/State vocational rehabilitation system is the model then uncapped modifications or revisions of a vocational rehabilitation plan should also be considered.

We recommend HRS 386-25 (f) remain as currently written.

We respectfully ask this Committee to consider the above. Thank you for the opportunity to testify.

**INTERNATIONAL ASSOCIATION OF REHABILITATION PROFESSIONALS,**  
**HAWAII CHAPTER (IARP-HI)**

**TO: COMMITTEE ON WAYS AND MEANS**  
**The Honorable Senator Donovan M. Dela Cruz, Chair**  
**The Honorable Senator Sharon Y. Moriwaki, Vice Chair**

**FROM: Andrew Alejandro, M.S., CRC**  
**IARP-HI President**

**DATE: April 03, 2025**

**RE: IN OPPOSITION to H.B. 423 HD2, SD1- RELATING TO WORKERS'**  
**COMPENSATION**

**DATE: Friday, April 04, 2025**  
**TIME: 10:46 AM**  
**PLACE: Conference Room 211 & Videoconference**  
**State Capitol**  
**415 South Beretania Street**

The International Association of Rehabilitation Professionals, Hawaii Chapter **OPPOSES** the following revision to HB 423 as noted in HB 423 HD1, SD1, pg. 7, (f):

*[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee [—] no later than ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured employee agree to an extension of that deadline to a specific date by which the plan shall be completed.*

Hearing for HB 423 HD1 was conducted on February 19, 2025 before the Committee on Consumer Protection and Commerce, to which the language of above section HB 423 HD1, SD1, pg. 7, (f) was addressed. HB 423 HD2 was revised to remove the stipulation that “*provider shall file the employee’s plan with the approval of the employee no later than ninety days after the provider submits an initial evaluation report..*” However, this stipulation was reincluded in HB 423 HD2, as discussed during the March 10, 2025 hearing held before the Members of the Senate Committee on Labor and Technology. As such, the following testimony is being submitted in opposition to the reinstatement of the ninety day plan filing requirement, as outlined in HB 423 HD1, SD1, pg. 7, (f).

Assigning a specific timeline for plan submittal after an injured worker enrolls into private VR program is not feasible, as adjustment to disability is individualized to the participant and must be addressed in a person-centered fashion. Factors such as comorbidity of injury, past trauma, and attainment of successful coping strategies may all affect the injured worker’s ability to move forward with seeking and obtaining suitable gainful employment.

To require an injured worker to be placed into plan within a 90-day period after initial evaluation is not only a disservice to the injured worker but is in direct conflict to the Code of Professional Ethics for Certified Rehabilitation Counselors; as CRCs are committed to ***recognizing diversity and embrace of culturally relevant and responsive approaches to support the worth, dignity, potential, and uniqueness of individuals with disabilities within***

***their social and cultural context.*** Requiring that injured workers be placed into plan within a 90-day period after initial evaluation will negate VR providers ethical duty to address the unique needs of the injured worker. Further, the Code of Professional Ethics for Certified Rehabilitation Counselors requires all VR providers to operate under six principles of ethical behavior, one of which is Justice; ***to be fair in the treatment of all clients; to provide appropriate services to all.*** Should injured workers be forced to be placed into rehabilitation plan before they are physically and psychologically capable, the appropriateness of services outlined in the plan cannot reasonably be considered “appropriate”.

Per HRS 386-25 (e), A plan shall include a statement of the feasibility of the vocational goal, using the process of:

- (1) First determining if the employee's usual and customary employment represents suitable gainful employment, and, should it not;*
- (2) Next determining if modified work or other work with the same employer represents suitable gainful employment, and, should it not;*
- (3) Next determining if modified or other employment with a different employer represents suitable gainful employment, and finally, should it not;*
- (4) Then providing training to obtain employment in another occupational field. When training to obtain employment in another occupational field is required, the first appropriate option among the following options shall be selected for the employee.*

Prior to confirming a vocational goal to be pursued, statutes state that the VR provider and injured worker ***must first confirm the Employer's ability to either allow for the injured worker to return to their usual and customary duties or confirm modified work or other work with the same employer that represents suitable gainful employment. In the event that the Employer does not respond to the VR provider's inquiry for return-to-work options within the initial 90 day plan creation period, a VR plan would be unable to be submitted and still remain compliant with HRS 386-25 of confirming work accommodations with the Employer first.*** Further, should the injured worker be receiving on-going medical treatment for their injury and work clearance from their Treating Physician is yet to be received, prior to the 90-day plan submittal, the injured worker would be unable to participate in a formalized rehabilitation plan until all medical treatments are addressed and work clearance received.

Additionally, vocational rehabilitation services offered through the Federal/State vocational rehabilitation agencies **allow for unlimited modifications or revisions of a vocational rehabilitation plan, after an initial plan is submitted.** ***VR providers within Workers Compensation are not afforded the ability to submit multiple VR plan amendments. Should the 90-day plan submittal model be enacted for Workers Compensation, private VR providers should also be afforded the same opportunity to submit unlimited amount of plan amendments to ensure successful job placement of the injured worker.***

As per the aforementioned, I strongly recommend that HRS 386-25 (f) remain as currently written. I humbly request the Committee to consider this opposition statement.

Thank you for the opportunity to provide testimony.

**HB-423-SD-1**

Submitted on: 4/2/2025 2:26:28 PM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
Janine Cervantes	Individual	Oppose	Written Testimony Only

Comments:

I, JANINE CERVANTES, a participant in the Workers' Compensation Vocational Rehabilitation Program **oppose** the following revision to H.B. 423 as noted in H.B. 423 HD1:

*[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee [—] no later than ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured employee agree to an extension of that deadline to a specific date by which the plan shall be completed.*

I request this Committee to consider this opposition statement. Thank you for the opportunity to testify.

**HB-423-SD-1**

Submitted on: 4/2/2025 2:37:40 PM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
laurie hamano	Individual	Oppose	Written Testimony Only

Comments:

I am testifying against the placing in the 90 day requirement that was eliminated in the house bill version. The inclusion of the 90 days requirement in the Senate version will harm the injured worker rather than helping them to return to work within their limitations and medical case.

**HB-423-SD-1**

Submitted on: 4/2/2025 5:21:25 PM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Monden	Testifying for Nancy T Monden RN CCM MPH	Oppose	Written Testimony Only

**Comments:**

After the initial evaluation an injured worker is not able to process and accept a new role in a new job. Especially if they cannot return to the usual and customary duty. If a person such as yourself was taken out of your position and could not return to your work and you were referred to vocational and you will be placed into a vocational plan and you have no idea what you wanna do is that fair to the injured party? Will you as a person being put into a vocational plan after you just been meeting with the vocational rehab for the first time be able to determine what your vocational goals are? In my experience, most people do not have any idea on what they want to do. They have to do exploration and the vocational rehab has to get transferable skills and it takes time to find the right job. With this 90 day. To be placed into a vocational plan is not adequate time to determine what kind of plan a person who has lost their job and their identity. Most Normal people have a self identity, which is defined by their job without their job. They are lost.

let's take some of the legislatures in this decision-making if tomorrow you were no longer to be a legislature attorney or whatever your job was before you became a legislature and you were placed in vocational rehab to find another job. Once you meet with a vocational rehab counselor, would you really be able to figure out a plan to be placed in? if you are able to, you are an exceptional person because 80 to 90% of the people in Hawai'i cannot do that. There is a psychological impact when you lose your job. Perhaps after the initial. A psychologist or psychiatrist should be assigned to this person to assist him in figuring out And work through the loss process. The loss process does take a while to resolve. It isn't 90 days as I said.

I have worked as a nurse case manager with many people who have had to change their jobs. I was I helped them work through their medical journey and get them ready for vocational rehab. Even then, after my medical management experience, it took a while more than 90 days for them to determine what they wanted to do as a vocation.

For those who do not have a nurse case manager, they do not have some support to work through the medical process of grieving. The insurance company will not assign a psychologist or psychiatrist To a system in the grieving process and prepare for the vocational rehab plan. After the initial vocational appointment 90 days is not an acceptable time. To put the claimant into a plan.

In fact, at the last Hearing, I attended it was Decided That after the initial appointment with the VR counselor the 90 day requirement for a plan would be eliminated.

If You insist on having a 90 day plan requirement after initial evaluation. Workers compensation is no longer for the injured worker. It is for the employer who has a lot of money And wants to get rid of vocational rehab, which is the only resource for someone who has gotten injured and cannot return to their usual and customary work.



**HB-423-SD-1**

Submitted on: 4/3/2025 5:25:54 AM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Wilson	Individual	Support	Written Testimony Only

Comments:

**TESTIMONY IN SUPPORT OF HB423 SD1****Relating to Workers' Compensation****Submitted by Cathy Wilson****Date: April 3, 2025**

Dear Chair, Vice Chair, and Members of the Committee,

My name is Cathy Wilson, and I am a patient advocate with over 25 years of experience working with injured workers in Hawaii. I am writing to express my strong support for HB423 SD1, which seeks to improve access to vocational rehabilitation services for injured employees and streamline the process for selecting certified providers.

Vocational rehabilitation plays a critical role in helping injured workers regain their earning capacity and return to suitable gainful employment as quickly as possible. Early intervention is essential to minimize the adverse effects of work-related injuries, both financially and emotionally, on employees. By clarifying the process for selecting certified providers and requiring automatic approval of vocational rehabilitation services when deemed necessary, this bill ensures that injured workers receive timely and appropriate support.

In my years of advocacy, I have witnessed the challenges faced by injured workers in accessing vocational rehabilitation services. Delays in referrals, uncertainty about provider selection, and inconsistent implementation of rehabilitation plans often hinder recovery and prolong the time it takes for employees to return to work. HB423 SD1 addresses these issues by:

- 1. Streamlining Provider Selection:** Establishing clear timelines for injured employees to select certified providers ensures that services are initiated promptly.
- 2. Automatic Approval of Services:** Requiring providers to approve vocational rehabilitation services when they are likely necessary eliminates unnecessary delays and prioritizes the well-being of injured employees.

**3. Accountability in Plan Development:** Mandating timely submission of vocational plans ensures that all stakeholders remain focused on achieving suitable gainful employment for the injured worker.

This bill also recognizes the importance of maintaining a robust network of trained vocational rehabilitation providers in Hawaii. As many experienced providers retire or leave the practice, ensuring proper training and certification is vital for sustaining high-quality services in the future.

HB423 SD1 represents a significant step forward in enhancing workers' compensation systems in Hawaii. By prioritizing early intervention, improving access to certified providers, and ensuring accountability in rehabilitation planning, this bill will provide much-needed support to injured workers while benefiting employers through reduced costs associated with prolonged disability.

I urge you to pass HB423 SD1 and help create a more efficient and compassionate system for addressing work-related injuries in our state.

Thank you for the opportunity to submit testimony on this important matter.

Sincerely,

Cathy Wilson

**HB-423-SD-1**

Submitted on: 4/3/2025 9:58:14 AM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
Narita San T. Meana	Testifying for Vocational Management Consultants, Inc.	Oppose	Written Testimony Only

Comments:

Please consider testimony attached opposing H.B. 423 HD2, SD1.

Thank you,  
Narita San T. Meana

**HB-423-SD-1**

Submitted on: 4/3/2025 9:59:21 AM

Testimony for WAM on 4/4/2025 10:46:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Janelle Bautista	Individual	Support	Written Testimony Only

Comments:

Maria Janelle Bautista

96819

Aloha Chair Donovan M. Dela Cruz, Vice Chair Sharon Y. Moriwaki, and Members of the Committee:

I, Maria Janelle Bautista, **am a current student and an employee in SUPPORT of HB 423** which seeks to provide early intervention to assist employees affected by work related injury. This early intervention includes vocational rehabilitation that aims to provide appropriate assistance to employees and fair wage during recovery process.

As employees, there are unpredictable times where we may experience unfortunate accidents that can greatly impact our physical, mental, and emotional wellbeing. It would be reassuring to have available services that will assist them in their transition back into employment.

Respectfully, I encourage SUPPORT for HB 423. Thank you for your consideration.

Kirsten H. Yonamine, M.Ed, CRC, LMHC  
P.O. Box 4420  
Kaneohe, HI 96744  
Phone: (808) 751-2667  
Fax: (808) 509-2705  
Email: [Kirstenyonamine@gmail.com](mailto:Kirstenyonamine@gmail.com)

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April 3, 2025

The Honorable Senator Donovan M. Dela Cruz, Chair  
The Honorable Sharon Y. Moriwaki, Vice Chair  
Committee on Ways and Means  
State Capitol, Room 211

RE: H.B. 423 HD2, SD1 – Relating to Worker's Compensation

Dear Chair Donovan M. Dela Cruz and Vice Chair Sharon Y. Moriwaki:

As a provider of vocational rehabilitation services, I have seen the impact of injuries on clients. Initial stages of services as a result are focused on adjustment to disability counseling as clients struggle with the reality of living life with permanent limitations, pain, anxiety, depression, loss of their employment and impact to finances. Helping clients to learn to accept their limitations and develop the ability to live with their disabilities so that they can move forward to focus on living their lives with meaning and a "new normal" takes time and cannot be forced. Thus a "one size fits all" timeframe of 90 days should not be placed on plan submission. The client's ability to move forward with return to work will also depend on their individual cases and the severity of their injury, support system, and ability to obtain the medical and psychological services needed in a timely manner.

As a result, I am **OPPOSED** to the revisions to H.B. 423 as indicated in H.B. 423 HD2, SD1 with reference to plan submissions as noted:

**[-(-e-)-] (f) A provider shall file the employee's plan with the approval of the employee no later than ninety days after ninety days after the provider submits an initial evaluation report, unless the employer, provider, and injured worker are agreeable to an extension of that deadline to a specific date by which the vocational plan must be completed.**

I am also recommending that HRS 386-25 (f) remain as currently written.

Thank you for this opportunity to submit testimony and your consideration of the above.

Very truly yours,



Kirsten H. Yonamine, M.Ed., CRC, LMHC  
Rehabilitation Specialist

cc: File

## **TESTIMONY IN OPPOSITION TO HB423 HD2 SD1**

### **RELATING TO WORKERS' COMPENSATION**

Submitted by: Gabe Merrill, M.S. PA

April 3, 2025

Chair, Vice Chair, and Members of the Committee,

My name is Gabe Merrill, and I am a healthcare provider with over twenty years of experience treating injured workers under Hawaii's workers' compensation system. I write in strong opposition to HB423 HD2 SD1, which proposes automatic approval of vocational rehabilitation (VR) services and imposes rigid timelines on providers and injured workers.

While I support timely access to VR and efforts to streamline care, this bill fails to account for the clinical, legal, and procedural realities of workers' compensation in Hawaii. In practice, every injured worker presents a unique combination of medical, psychosocial, and employment-related challenges that cannot be resolved through a one-size-fits-all timeline.

Requiring vocational rehabilitation providers to automatically approve services before a claim is even accepted or fully evaluated puts workers at significant risk. A premature VR referral can be used to prematurely end medical care or justify early termination of benefits. In my clinical experience, workers pushed into vocational programs before they are medically ready often relapse, disengage, or suffer psychological harm, ultimately increasing system costs and delays.

The provision allowing employer-selected providers after 30 days further tilts the balance of power toward insurers and self-insured employers. In a system where the employer already controls access to care and benefits, allowing them to designate the rehabilitation provider further erodes injured workers' rights to independent and unbiased services.

## **TESTIMONY IN OPPOSITION TO HB423 HD2 SD1**

Vocational rehabilitation should remain a flexible, patient-centered process, responsive to real-time medical status and claim progression-not one governed by arbitrary deadlines and automatic approvals. Rushing to approve or implement plans without considering the injured worker's readiness can do more harm than good.

I respectfully urge the Legislature to reconsider this bill and instead convene a working group of healthcare providers, VR professionals, injured workers, and legal representatives to craft a more balanced, practical, and fair approach to vocational rehabilitation reform.

Thank you for the opportunity to provide testimony.

Gabe Merrill, M.S. PA