

Honolulu, Hawaii

Ag: 128, 2006

RE: H.B. No. 1867
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1867, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to protect the health and well-being of injured workers by:

- (1) Establishing that, when a dispute exists between an injured employee and the employer or employer's insurer regarding whether medical services should be continued, the injured employee shall continue to receive medical services until the Director of Labor and Industrial Relations (Director) issues a decision on whether the injured employee's medical treatment should be continued; and



- (2) Preventing an employer who believes that an injured employee is able to return to work, but who has yet to return to work, from terminating the employee's Temporary Total Disability (TTD) benefits until a decision is rendered by the Director.

Your Committee on Conference finds that injured employees are sometimes left without medical care in workers' compensation cases while waiting for a decision to be rendered on their medical services benefits. The interruption in medical treatment may cause undue delays in the injured employees' recovery from work injuries. In some cases, the delay in treatment may even exacerbate and permanently aggravate the work-related injuries.

Your Committee on Conference finds that receipt of uninterrupted medical treatment is of particular importance and will allow an injured employee to return to work in a more timely manner.

Accordingly, Your Committee on Conference has amended this measure by:

- (1) Removing the provision that prevents an employer who believes that an injured employee is able to return to work, but who has yet to return to work, from terminating the employee's TTD benefits until a decision is rendered by the Director;
- (2) Inserting language that requires the Director to designate the date after which medical services for a treatment plan are denied should the Director determine that medical services should have been discontinued;
- (3) Allowing an employer or employer's insurer to recover from the claimant's personal health care provider or other appropriate occupation or non-occupational insurer all sums paid for medical services rendered after the date designated by the Director for which medical services should have been discontinued;
- (4) Prohibiting a claimant from being charged for disallowed services;
- (5) Changing the effective date to July 1, 2006; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1867, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1867, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


BRIAN KANNO, Chair


KIRK CALDWELL, Co-Chair


BRIAN T. TANIGUCHI, Co-Chair


ROBERT N. HERKES, Co-Chair


BOB NAKASONE, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 1867, HD 1, SD 2	Date/Time: 4/29/06 11:15 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KANNO, Brian, Chr.	✓	/			CALDWELL, Kirk, Co-Chr.	✓	/		
TANIGUCHI, Brian T., Co-Chr.	/	/			HERKES, Robert N., Co-Chr.	/	/		
Espero	✓	/			NAKASONE, Bob, Co-Chr.	✓	/		
					STEVENS, Anne V.		/		
TOTAL	3				TOTAL	3	1		

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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