



GOV. MSG. NO. 900

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2387 HD1 SD2, without my approval, and with the statement of objections relating to the measure.

HB2387 HD1 SD2

A BILL FOR AN ACT RELATING TO WORKERS'
COMPENSATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2387

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2387, entitled "A Bill for an Act Relating to Workers' Compensation."

The purpose of this bill is to create a working group within the Department of Labor and Industrial Relations to study and determine alternate methods of paying physicians to conduct medical examinations pursuant to section 386-80.

The independent medical evaluation process under the current law is an important means by which workers' compensation claimants, employers, and the Department are able to determine the medical progress of a case. This bill is objectionable because current law is working as intended and there is no need to establish a working group to study and determine an alternate framework for the payment of independent medical examinations.

This bill is also objectionable because no resources are provided to the Department of Labor and Industrial Relations to carryout the tasks involved with convening the working group.

For the foregoing reasons, I am returning House Bill No. 2387 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. (a) There is established a working group on
2 funding for workers' compensation independent medical
3 examinations, to be placed under the department of labor and
4 industrial relations for administrative purposes.

5 (b) The purpose of the working group on funding for
6 workers' compensation independent medical examinations shall be
7 to study and determine the alternative methods or combination of
8 methods of paying impartial physicians to conduct medical
9 examinations pursuant to section 386-80, Hawaii Revised
10 Statutes. The study shall be undertaken with a view toward
11 providing equity and fairness in funding independent medical
12 examinations, so that the employer, employer's insurer, special
13 compensation fund, and state general fund are not
14 disproportionately burdened or otherwise disadvantaged in paying
15 for the examinations.

16 (c) The working group on funding for workers' compensation
17 independent medical examinations shall be composed of one



1 representative from each of the following entities, to be
2 selected by that entity:

- 3 (1) Department of labor and industrial relations;
- 4 (2) Department of human resources development;
- 5 (3) Hawaii Government Employees Association;
- 6 (4) United Public Workers Local 646;
- 7 (5) ILWU Local 142;
- 8 (6) The Chamber of Commerce of Hawaii;
- 9 (7) American Insurance Association;
- 10 (8) Hawaii Insurers Council;
- 11 (9) American Physical Therapy Association;
- 12 (10) Hawaii State Chiropractic Association;
- 13 (11) Hawaii Medical Association;
- 14 (12) Hawaii State Bar Association; and
- 15 (13) Hawaiian Electric Company, Incorporated.

16 (d) The department of labor and industrial relations shall
17 have the responsibility to convene the meetings of the working
18 group on funding for workers' compensation independent medical
19 examinations, and to make the report under subsection (f).

20 (e) Members of the working group on funding for workers'
21 compensation independent medical examinations shall receive no
22 compensation for their services, but may be reimbursed for



1 travel costs necessary for the performance of their duties under
2 this Act.

3 (f) The working group on funding for workers' compensation
4 independent medical examinations shall report its findings and
5 recommendations, including suggested legislation, to the
6 legislature no later than twenty days prior to the convening of
7 the regular session of 2009.

8 (g) The working group on funding for workers' compensation
9 independent medical examinations shall cease to exist on May 15,
10 2009.

11 SECTION 2. This Act shall take effect upon its approval.

