STAND. COM. REP. NO. 978

Honolulu, Hawaii

Monh 12, 2009

RE: S.B. No. 695 S.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 695, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect the health and welfare of injured workers by ensuring that injured employees receive uninterrupted medical care, even when disputes arise over whether treatment should be continued.

The ILWU Local 142, Hawaii Government Employees Association, Iron Workers Stabilization Fund, and Hawaii State Chiropractic Association testified in support of this bill. The Hawaii Chapter-American Physical Therapy Association and a concerned individual supported the intent of this measure. The Department of Labor and Industrial Relations (DLIR), Department of Human Resources Development, Department of Human Resources of the City and County of Honolulu, Hawaii Insurers Council, National Federation of Independent Businesses, Property Casualty Insurers Association of America, Chamber of Commerce of Hawaii, American Insurance Association, Maui Chamber of Commerce, Retail Merchants of Hawaii, Kaua'i Chamber of Commerce, Hawaiian Electric Company, Inc., Maui Electric Company, Ltd., Hawaii Electric Light Company, Inc., Society for Human Resource Management Hawaii, Kona Community Hospital, State Farm Insurance Companies, Archinoetics, LLC, Highway Inn, and numerous concerned individuals opposed this bill.

The workers' compensation law was established as a "no-fault" law designed to be a "win-win" situation for all the parties involved--with a worker returning to work and the employer regaining a productive employee. However, at times this system has proven to be more adversarial in nature than was envisioned.

Although obtaining proper medical treatment is the best method to return an injured employee to gainful employment in a timely and efficient manner, medical treatments are often a point of contention between the employee and employer. Your Committee finds that continuing medical treatments for an injured employee, until a decision is rendered by the Director of DLIR on the appropriateness of the treatment, is in the best interest of both the employee and employer.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 695, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Labor & Public Employment,

KARL RHOADS. Chair

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State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Labor & Public Employment

SB 695, SDI	LAB, FIN	Date 7	:: 3 - s- 0	7
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. YAMASHITA, Kyle T. (VC)				
3. AQUINO, Henry J.C.				
J. Agonto, Henry J.C.	1			
4. AWANA, Karen Leinani				
			Mary Services	
5. HANOHANO, Faye P.				
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6. KEITH-AGARAN, Gilbert S.C.				
7. LEE, Marilyn B.	SHE INC.		in the second	
8. NAKASHIMA, Mark M.				
				1970
9. SAIKI, Scott K.				
10. SOUKI, Joseph M.			Part of the South	
To. SOUKI, Joseph M.				
11. TAKUMI, Roy M.				
12. PINE, Kymberly Marcos				
TOTAL (12)	8			4
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				