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## A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

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



1       The legislature further finds that House Concurrent  
2 Resolution No. 32, H.D. 1, S.D. 1, Regular Session of 2016,  
3 convened a task force to examine cancer in the firefighting  
4 profession. The task force found that some states, including  
5 Arizona, California, Nevada, North Dakota, and Virginia, have  
6 statutorily provided for special benefit programs for  
7 firefighters diagnosed with cancer due to the higher  
8 occupational risk they assume in the performance of their  
9 essential public service. Providing sufficient worker's  
10 compensation coverage for firefighters will ensure firefighters  
11 receive proper medical treatment in a timely manner and also  
12 lessen the emotional toil, financial burden, and the impacts of  
13 a decreased quality of life on firefighters diagnosed with  
14 cancer, as well as on their families.

15       The purpose of this Act is to ensure that firefighters  
16 continue to receive comprehensive medical care for work-related  
17 injuries, including various forms of cancer. The legislature  
18 notes that this Act does not create any new benefit or enhance  
19 the existing benefits available to firefighters. Rather, it  
20 improves firefighters' access to comprehensive medical  
21 coverage while addressing medical coverage for targeted organs



1 identified in a 2006 University of Cincinnati study related to  
2 diseases arising out of and in the course of employment.

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

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

14 §386- Medical care, services, and supplies for firefighters  
15 suffering from cancer. (a) If a claim for leukemia, multiple  
16 myeloma, non-hodgkin lymphoma, or cancer of the lung, brain,  
17 stomach, esophagus, intestines, rectum, kidney, bladder,  
18 prostate, or testes filed by a firefighter with five or more years  
19 of service as a firefighter is accepted or determined to be  
20 compensable, the provisions of section 386-21 remain applicable  
21 except that the employer shall be liable for medical care,



1 services, and supplies for a minimum of one hundred ten per cent,  
2 and not to exceed                      per cent of fees prescribed in the  
3 Medicare Resource Based Relative Value Scale applicable to  
4 Hawaii as prepared by the United States Department of Health and  
5 Human Services."

6            SECTION 3.    New statutory material is underscored.

7            SECTION 4.    This Act shall take effect upon its approval.

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INTRODUCED BY: Wally A. Belatti

John M. Mays

JAN 22 2018



# H.B. NO. 2288

**Report Title:**

Workers' Compensation; Medical Conditions; Firefighters

**Description:**

Requires an injured workers' private health insurance to pay for medical services and supplies when workers' compensation claim is controverted by an employer. Under certain conditions, increases employer's percentage of liability for medical services and supplies when firefighter has compensable claim for cancer.

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