STAND. COM. REP. NO. 1124

Honolulu, Hawaii

MAR 01 , 2019

RE: H.B. No. 389 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 389, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require that a person performing an independent medical examination (IME) or permanent impairment rating examination for a workers' compensation work injury examine the employee within a certain period of time;
- (2) Require that the employee be provided a copy of the employee's IME or permanent impairment rating examination within a certain period of time; and
- (3) Make permanent the provisions under Act 172, Session Laws of Hawaii 2017, which:
 - (A) Grants an employee the right to have a chaperone present during an IME for a workers' compensation work injury;

- (B) Grants an employee the right to use a recording device during the IME, subject to certain conditions; and
- (C) Specifies that if the employee or employee's designated chaperone obstructs the IME, the employee's right to compensation shall be suspended until the obstruction ceases.

International Longshore and Warehouse Union Local 142 and Work Injury Medical Association of Hawaii supported this measure. The Chamber of Commerce Hawaii; Hawaii Insurers Council; Hawaiian Electric Company, Inc.; Maui Electric Company, Ltd.; Hawaiii Electric Light Company, Inc.; and American Property Casualty Insurance Association opposed this measure. The Department of Labor and Industrial Relations; Department of Human Resources Development; and City and County of Honolulu Department of Human Resources provided comments on this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 389, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Finance,

SYLVIA LUKE. Chair

State of Hawaii

House of Representatives
The THIRTIETH Legislature

HOUSE OF Hawan

HOUSE OF REPRESENTATIVES

The THIRTIETH Legislature

Record of Votes of the Committee on Finance

Bill/Resolution No.: Committee	e Referral:	Date	2/27/19	
☐ 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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. LUKE, Sylvia (C)				
2. CULLEN, Ty J.K. (VC)				
3. ELI, Stacelynn K.M.				-
4. GATES, Cedric Asuega				
5. HASHIMOTO, Troy N.				-
6. HOLT, Daniel				
7. KITAGAWA, Lisa				
8. KOBAYASHI, Bertrand				
9. MATAYOSHI, Scot Z.				
10. NAKAMURA, Nadine K.				
11. NISHIMOTO, Scott Y.				
12. TODD, Chris				
13. WILDBERGER, Tina				
14. YAMASHITA, Kyle T.				
15. McDERMOTT, Bob				
TOTAL (15)	13		Ø	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				