



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

March 13, 2024

To: The Honorable Henry J.C. Aquino, Chair,
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Wednesday, March 13, 2024

Time: 3:00 p.m.

Place: Conference Room 224, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1944 H.D.2 RELATING TO WORKERS' COMPENSATION

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR supports** this proposal. HB1944 HD2 is intended to expedite the diagnosis and streamline medical treatment for serious injuries to the cervical or lumbar spine sustained by an employee while working by allowing magnetic resonance imaging (MRI) and consultation with an orthopedic or neurologic specialist without a treatment plan during the first sixty days after an injury. This bill seeks to add a new Section to Chapter 386, Hawaii Revised Statutes (HRS) entitled "Cervical and lumbar spinal injuries; treatment plan not required."

II. CURRENT LAW

Section 386-21, HRS, states that the employer to provide to the employee so long as reasonably needed, all medical care, services and supplies as the nature of the injury requires.

The Workers' Compensation Medical Fee Schedule Section 12-15-32(a), Hawaii Administrative Rules (HAR), provides in part that frequency and extent of treatment shall not be more that the nature of the injury and the process of recovery requires. Authorization is not required for the initial fifteen treatments of the injury during the first sixty calendar days.

The Workers' Compensation Medical Fee Schedule Section 12-15-42(b), HAR, provides in part that when requesting consideration for consultation, the attending physician shall obtain permission from the employer prior to initiating such referral. The reason for the consultation shall be submitted in writing to the employer at least seven calendar days prior to the referral.

The Workers' Compensation Medical Fee Schedule Section 12-15-54(a), HAR, taking of anterior-posterior (A-P), lateral, and oblique x-rays shall be discretionary for one hundred twenty days following the initial treatment and may be allowed without authorization. Prior authorization from the employer must be obtained for x-rays subsequent to the initial one hundred twenty days of treatment.

The Workers' Compensation Medical Fee Schedule Section 12-15-94(a), HAR, provides that the employer shall pay for all medical services which the nature of the compensable injury and the process of recovery require. The employer is not required to pay for care unrelated to the compensable injury.

III. COMMENTS ON THE HOUSE BILL

The DLIR supports this proposal to add a section to Chapter 386 to facilitate early diagnosis for cervical and lumbar spinal injuries in an effort to provide timely and effective treatment decisions.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
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March 13, 2024

TESTIMONY TO THE SENATE COMMITTEE ON LABOR AND TECHNOLOGY

House Bill 1944 HD2 – Relating to Workers' Compensation

The Disability and Communication Access Board (DCAB) supports House Bill 1944 HD2 – Relating to Workers' Compensation.

This bill authorizes certain types of radiological coverage and specialist consultations without a treatment plan under workers' compensation. Early diagnosis and treatment can often prevent a long term disability and allows the employee to return to their job.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

TESTIMONY OF MILIA LEONG

COMMITTEE ON LABOR AND TECHNOLOGY
Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, March 13, 2024
3:00 p.m.

HB 1944, HD2

Chair Aquino, Vice Chair Moriwaki, and members of the Committee on Labor and Technology, my name is Milia Leong, Executive Claims Administrator for HEMIC Insurance Managers, Inc. I am testifying today on behalf of Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** this bill. This bill is a result of the Workers' Compensation Working Group that met during the interim and is comprised of various stakeholders in the system who are committed to streamlining the system and providing prompt medical care for injured workers.

The bill provides for an MRI without a treatment plan during the first sixty days after an injury under certain circumstances and one consultation with an orthopedic or neurologic specialist for the evaluation and treatment of the employee's injury.

We believe that early diagnosis in these cases where there are commonly seen injuries to the neck and back will lead to faster treatment and a faster return to work. This bill is a collaboration between health care providers, attorneys both defense and plaintiff, insurers, and injured worker advocates. We urge passage of this bill.

Thank you for the opportunity to testify.

HB-1944-HD-2

Submitted on: 3/11/2024 3:17:37 PM

Testimony for LBT on 3/13/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Kishimoto	Individual	Support	Written Testimony Only

Comments:

My name is Mary Kishimoto and I testify in support of HB1944. Imaging done early after an injury, if needed, will speed up the treatment process for an injured worker by confirming the extent of said injury. These imaging services will not only speed up the process of treatment, but also assist in the costs and length of workers compensation claims due to prompt service received.

HB-1944-HD-2

Submitted on: 3/12/2024 9:58:36 AM

Testimony for LBT on 3/13/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Cooper	Individual	Support	Written Testimony Only

Comments:

Chairperson and Members of the Committee,

My name is Michael Cooper, I am a documentary filmmaker specializing in healthcare. I strongly urge you to support HB1944. This bill is a crucial step in improving the workers' compensation system in Hawaii.

Workers with cervical and lumbar spinal injuries often experience severe pain and reduced mobility. Prompt diagnosis and consultation with the right specialists are critical for these individuals. That's essential not only to their well-being but also to a quicker return to their workplaces.

HB1944 breaks down barriers often faced by injured workers. By authorizing necessary imaging and specialist consultations without the hurdle of a pre-approved treatment plan, this bill will reduce delays in care. Faster access to the correct treatment can lead to better outcomes for injured workers and potentially reduced costs for the workers' compensation system overall.

I strongly encourage you to vote in favor of HB1944.

Thank you for your time and consideration.

Aloha nui loa,

Michael Cooper

HB-1944-HD-2

Submitted on: 3/12/2024 11:37:29 AM

Testimony for LBT on 3/13/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANSON REGO	Individual	Support	Written Testimony Only

Comments:

As an attorney who emphasizes representing injured workers claims, I support this proposed legislation for early diagnosis as well as proper and timely medical treatment for serious injuries to the cervical or lumbar spine of injured wokers.

Mahalo.

Anson O.Rego

Waianae Attorney

LATE

HB-1944-HD-2

Submitted on: 3/12/2024 5:37:38 PM

Testimony for LBT on 3/13/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Hamano	Individual	Support	Written Testimony Only

Comments:

Please accept my support for HB1944 HD 2. As a vocational rehabilitation counselor we see our clients who are unable to move forward without the diagnostic testing early on in their case. This is needed for injured workers. Thank you for allowing me to provide my testimony.

LATE

HB-1944-HD-2

Submitted on: 3/13/2024 1:56:23 PM

Testimony for LBT on 3/13/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Scott McCaffrey	Testifying for Hawaii Injured Workers Association	Support	Written Testimony Only

Comments:

Please move this measure forward since it gives doctors the ability to clarify the patients diagnosis early and with accuracy. This truth clarifies many questions regarding causation and structural damage severity which facilitate case prgress and appropriate intervention regardless of immediate liability. Please remind this bill's opponents that HB 1944 HD 2 was constructed to support both employer and claimant in the WC process by miitigating attorney involvemednt and costly conflict interverntion. With early high tech imaging and subspecialist assessment the truth will provide benefits to all parties thru the powers of early case clarity and treatment efficiency.

Mahalo nui,

D. Scott McCaffrey, MD

President

Hawaii Injured Workers Association (HIWA)