



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

February 1, 2024

To: The Honorable Scot Z. Matayoshi, Chair,
The Honorable Andrew Takuya Garrett, Vice Chair, and
Members of the House Committee on Labor & Government Operations

Date: Thursday, February 1, 2024
Time: 9:00 a.m.
Place: Conference Room 309, State Capitol

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

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

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR supports** this proposal. HB1944 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 is 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 than 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 as well as proper and timely medical treatment for serious injuries to the cervical or lumbar spine of injured workers.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-

LATE

February 1, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

House Bill 1944 – Relating to Workers' Compensation

The Disability and Communication Access Board (DCAB) supports House Bill 1944 – 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.

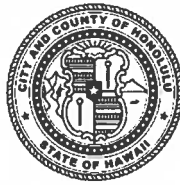
Respectfully submitted,

KIRBY L. SHAW
Executive Director

**DEPARTMENT OF HUMAN RESOURCES
KA 'OIHANA HO'OMOHALA LIMAHANA
CITY AND COUNTY OF HONOLULU**

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January 31, 2024

The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
and Members of the Committee on Labor and Government Operations
State Capitol, Conference Room 309
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Matayoshi, Vice Chair Garrett and Members of the Committee:

**SUBJECT: House Bill No. 1944
Relating to Workers' Compensation**

H.B. 1944 authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries.

The City and County of Honolulu, Department of Human Resources (DHR), supports the intent of this measure and respectfully offers the comments below.

First, notwithstanding the premise of this bill, physicians who currently provide medical care for work-related spinal injuries are already authorized to seek any needed diagnostic testing or specialist consultation under Chapter 386, Hawai'i Revised Statutes. Also, the Hawai'i Workers' Compensation Medical Fee Schedule, Section 12-15-32, HAR, provides that "[a]uthorization is not required for the initial 15 treatments of the injury during the first 60 calendar days."

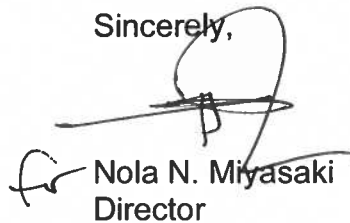
Second, the measure appears to establish suggested diagnosis-based treatment protocols for physicians to follow rather than allowing the health care provider to establish a treatment regimen based on their own expertise and/or professional medical experience. The concern is that although not intentional, physicians may feel statutorily compelled to follow this suggested treatment protocol, whether reasonably needed or not, thereby unnecessarily increasing medical costs for the claim.

The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
and Members of the Committee on Labor and Government Operations
January 31, 2024
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Last, we also note that another measure, H.B. 1637, if passed, will provide the necessary remedy for any gaps in medical coverage/authorization when there is a legitimate dispute or denial over the liability of any particular workers' compensation related medical care. This includes, but is not limited to, the specific spinal treatment modalities outlined in this measure.

We suggest that further discussion is needed to refine this measure. Thank you for the opportunity to testify.

Sincerely,



Nola N. Miyasaki
Director

TESTIMONY OF MILIA LEONG

COMMITTEE ON LABOR & GOVERNMENT OPERATIONS
Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair

Thursday, February 1, 2024
9:00 a.m.

HB 1944

Chair Matayoshi, Vice Chair Garrett, and members of the Committee on Labor & Government Operations, my name is Milia Leong, Vice President of Claims and Medical Management Services for HEMIC. 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.

LATE

HB-1944

Submitted on: 2/1/2024 7:50:03 AM

Testimony for LGO on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fairlene Naone	Premier Medical Group Hawaii/Scott J. Miscovich, MD	Support	In Person

Comments:

My name is Fairlene Naone, I am the Director of Workers' Compensation/Third-Party Liability Department for Premier Medical Group Hawaii, as founded by Dr. Scott J. Miscovich. I am in support of HB1944. I have worked in the legal field as a paralegal since 1992, then started working for Premier Medical Group in 2015.

During these 31 years, I have seen how much damage the delay in treatment can cost a patient. During the first 60 days of an injury, is a critical time. Having access to diagnostic imaging is one of the key factors for medical providers to determine the extent of a patient's injury. Having the diagnostic imaging could potentially save up to 6 months to a year of a patient's treatment. A medical provider would be able to determine whether the injury is only a strain or something more serious that would need specialty care.

Passing of this bill is necessary to allow medical providers to make timely and effective treatment decisions. Allowing patient's care to progress, assist in the recovery and return the patient back to work as quickly and medically as possible. We are in support of HP1944.

Thank you.

Fairlene Naone

HB-1944

Submitted on: 1/29/2024 9:33:17 PM

Testimony for LGO on 2/1/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cardenas Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cardenas Pintor