

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov

March 10, 2025

The Honorable Jackson Sayama, Chair
Committee on Labor
The House of Representatives
State Capitol, Room 210
Honolulu, Hawai'i 96813

Aloha Chair Sayama, Vice Chair Lee, and Members of the Committee:

Subject: Senate Bill (SB) 828, Relating to Workers' Compensation Medical Benefits

I am Kazuo Todd, Chair of the Hawai'i State Fire Council (SFC). I am writing in strong support of SB 828, which expands workers' compensation medical benefits for firefighters by including additional cancers and diseases that have been scientifically linked to occupational exposures. As Fire Chief of the Hawai'i Fire Department, I have seen firsthand the devastating impact that occupational cancers have on firefighters and their families.

Firefighters are routinely exposed to toxic chemicals, carcinogens, and hazardous environments in the course of their duties. The expansion of workers' compensation medical coverage in this bill is a necessary step in recognizing and addressing the heightened cancer risks that firefighters face due to the nature of their work. SB 828 would provide critical medical coverage for adenocarcinoma, mesothelioma, malignant melanoma, and additional cancers affecting key organs, ensuring that firefighters receive the care they need.

This bill is essential for the following reasons:

1. Recognition of Occupational Health Risks: Firefighters are at a significantly higher risk of developing certain cancers due to chronic exposure to hazardous substances. Expanding coverage acknowledges the reality of these risks and ensures appropriate medical support.
2. Support for Firefighters and Their Families: A cancer diagnosis is not only physically and emotionally devastating but can also create severe financial strain. Ensuring workers' compensation coverage provides a necessary safety net for affected firefighters and their families.

The Honorable Jackson Sayama, Chair

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3. Improved Recruitment and Retention: Strengthening workers' compensation protections helps attract and retain skilled firefighters, ensuring that Hawai'i's fire departments remain fully staffed and operational.
4. Balanced and Fair Approach: This bill maintains a fair process by allowing an employer to contest a claim if they can prove that a firefighter's illness was not job-related. This ensures accountability while still prioritizing firefighter health.

Firefighters dedicate their lives to protecting the people of Hawai'i, often at great personal risk. It is our duty to ensure they receive the medical care and support they deserve when they face the long-term health consequences of their service. I urge the committee to pass SB 828 to protect the health and well-being of those who selflessly serve our communities.

Mahalo for your time and consideration.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kazuo Todd", written in a cursive style.

KAZUO TODD
Chair

KT/GL:

JOSH GREEN, M.D.
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March 11, 2025

To: The Honorable Jackson D. Sayama, Chair,
The Honorable Mike Lee, Vice Chair, and Members of the
House Committee on Labor

Date: Tuesday, March 11, 2025
Time: 9:30 a.m.
Place: Conference Room 309, State Capitol

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

**Re: S.B. 828 SD1 RELATING TO WORKERS'
COMPENSATION MEDICAL BENEFITS**

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR supports** this measure that amends Section 386-21.9 (HRS) to expand the definition workers' compensation medical benefits for firefighters to include coverage for adenocarcinoma or mesothelioma of the respiratory system, cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma unless an employer proves that the cancer or disease was not associated with firefighting duties.

II. CURRENT LAW

§386-21.9 provides medical care, services, and supplies for firefighters suffering from cancer, including leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, breast, female reproductive organs, or testes if a claim is accepted or determined as compensable by a firefighter with five or more years of service as a firefighter.

§386-21.9 also stipulates §386-21 shall remain applicable; provided that the employer shall be liable for medical care, services and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees as prescribed in the Medicare Resource Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.

§386-21 defines medical care, services, and supplies and provides that

immediately after a work injury sustained by an employee and so long as reasonably needed, the employer shall furnish to the employee all medical care, services and supplies as the nature of the injury requires.

§386-73.5 states that the DLIR Director has original jurisdiction over all controversies and disputes arising out of workers' compensation.

§386-85 states that in the absence of substantial evidence to the contrary it shall be presumed that a claim is covered for a work injury (presumption clause).

III. COMMENTS ON THE SENATE BILL

The DLIR supports this measure to ensure that firefighters receive timely and appropriate medical treatment to include coverage for adenocarcinoma or mesothelioma of the respiratory system; cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma when determined that aforementioned cancer or disease was associated with firefighting duties.

SB-828-SD-1

Submitted on: 3/9/2025 11:39:58 AM

Testimony for LAB on 3/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kazuo Todd	Hawaii Fire Department	Support	Written Testimony Only

Comments:

House Committee on Labor
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for SB 828 – RELATING TO WORKERS' COMPENSATION MEDICAL BENEFITS

Aloha Chair Sayama, Vice Chair Lee, and Members of the Committee,

I am writing in strong support of SB 828, which expands workers' compensation medical benefits for firefighters by including additional cancers and diseases that have been scientifically linked to occupational exposures. As Fire Chief of the Hawai'i Fire Department, I have seen firsthand the devastating impact that occupational cancers have on firefighters and their families.

Firefighters are routinely exposed to toxic chemicals, carcinogens, and hazardous environments in the course of their duties. The expansion of workers' compensation medical coverage in this bill is a necessary step in recognizing and addressing the heightened cancer risks that firefighters face due to the nature of their work. SB 828 would provide critical medical coverage for adenocarcinoma, mesothelioma, malignant melanoma, and additional cancers affecting key organs, ensuring that firefighters receive the care they need.

This bill is essential for the following reasons:

1. **Recognition of Occupational Health Risks:** Firefighters are at a significantly higher risk of developing certain cancers due to chronic exposure to hazardous substances. Expanding coverage acknowledges the reality of these risks and ensures appropriate medical support.
2. **Support for Firefighters and Their Families:** A cancer diagnosis is not only physically and emotionally devastating but can also create severe financial strain. Ensuring workers' compensation coverage provides a necessary safety net for affected firefighters and their families.
3. **Improved Recruitment and Retention:** Strengthening workers' compensation protections helps attract and retain skilled firefighters, ensuring that Hawai'i's fire departments remain fully staffed and operational.

4. **Balanced and Fair Approach:** This bill maintains a fair process by allowing an employer to contest a claim if they can prove that a firefighter's illness was not job-related. This ensures accountability while still prioritizing firefighter health.

Firefighters dedicate their lives to protecting the people of Hawai'i, often at great personal risk. It is our duty to ensure they receive the medical care and support they deserve when they face the long-term health consequences of their service. I urge the committee to pass SB 828 to protect the health and well-being of those who selflessly serve our communities.

Mahalo for your time and consideration.

Sincerely,

Kazuo Todd
Fire Chief
Hawai'i Fire Department

SB-828-SD-1

Submitted on: 3/9/2025 9:07:24 AM

Testimony for LAB on 3/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Monden	Nancy Monden	Support	Written Testimony Only

Comments:

SB 828 relate to Worker's Compensation medical benefits for firefighters.. I am in favor of bill however but needs modifications and amendments.

The bill states employer shall be liable for medical care, services, and supplies for a “ minimum of 110% and not to exceed 150% of fees prescribed in the Medicare resource.”

I am a nurse case manager with over 30 years experience working for an insurance company with injured workers. There has been times I needed to find specialists and called multiple providers who do not accept worker compensation until I finally found one.

In Hawaii, there is a shortage of doctors and especially medical specialist in the field. Finding a provider to treat and or diagnose the person maybe a very difficult task. Many specialist do not accept workers compensation because of the fee schedule does not pay very much for the services and paperwork.

When I use term specialist I do not include the primary physician who accepts the firefighter as a patient. The specialist is someone who can have treat or provide concurrent care to treat the diagnosis of cancer related to the injury.

If the maximum amount of payment to the specialist to treat firefighters is similar to private insurance there may be more specialist willing to accept workers compensation. Another problem, specialist do not accept worker compensation is the paperwork required is overwhelming for any doctor not familiar with workers comp. The treatment plan is a required by providers if approved must be done every 120 days otherwise treatment would not be paid. The specialist treating the firefighter will not be paid if treatment plan denied. In addition if they

are paid less for a work comp patient and there is more paperwork the specialist will probably not accept work comp again.

In addition many physicians do not accept Medicare or have a limited amount they will treat in their practice. Although 150% of Medicare maybe sound a lot there is added paperwork involved that the specialist may feel overwhelming.

SB-828-SD-1

Submitted on: 3/9/2025 1:20:15 PM

Testimony for LAB on 3/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-828-SD-1

Submitted on: 3/10/2025 7:55:58 AM

Testimony for LAB on 3/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Kaneshiro	Individual	Support	Written Testimony Only

Comments:

As a firefighter I am in support of this bill. Thank you.