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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. Section 386-21.2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~[+]§386-21.2[+]~~ **Treatment plans.** ~~[(a) A physician may~~  
4 ~~transmit a treatment plan to an employer by mail or facsimile;~~  
5 ~~provided that the physician shall send the treatment plan to an~~  
6 ~~address or facsimile number provided by the employer.~~

7 ~~(b) Beginning January 1, 2021, an]~~ (a) An employer shall  
8 allow a physician to transmit a treatment plan to an employer by  
9 mail, facsimile, or secure electronic means; provided that the  
10 physician shall send the treatment plan to an address or  
11 facsimile number provided by the employer.

12 ~~[(e)]~~ (b) A treatment plan shall be deemed received by an  
13 employer when the plan is ~~[sent by mail or facsimile]~~  
14 transmitted with reasonable evidence showing that the treatment  
15 plan was received.

16 (c) An employer shall, within ten days after the treatment  
17 plan is deemed received pursuant to subsection (b), file a



1 response with the director either accepting or objecting to the  
2 treatment plan by secure electronic means. An employer who  
3 fails to file a response within the ten-day period shall be  
4 fined \$1,000, unless the director determines there was good  
5 cause for the delay.

6 (d) A treatment plan shall be deemed accepted if an  
7 employer fails to file with the director[+], with a copy to the  
8 physician and the injured employee:

9 (1) An objection to the treatment plan;

10 (2) Any applicable documentary medical evidence supporting  
11 the denial; and

12 (3) A copy of the denied treatment plan,  
13 [~~copying the physician and the injured employee.~~] within the  
14 ten-day period under subsection (c).

15 (e) After acceptance of the treatment plan, an employer  
16 may file an objection to the plan if new documentary medical  
17 evidence supporting the denial is received by the employer.

18 (f) Any employer found by the director to have denied a  
19 treatment plan without reasonable grounds, frivolously, or  
20 primarily for purposes of delay, shall be subject to the payment  
21 of costs, including reasonable attorneys' fees, incurred by the



1 injured employee or by any authorized representative, billing  
2 agent, or health care provider acting on behalf of the injured  
3 employee in contesting the denial of the treatment plan or  
4 enforcing payment pursuant to the treatment plan. The director  
5 may enforce the penalties imposed by this section."

6 SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2026.



**Report Title:**

Workers' Compensation; Treatment Plan; Response; Penalty

**Description:**

Repeals the authorization of a physician to transmit a treatment plan by mail or facsimile and the requirement that the physician submit the plan to an address or facsimile number provided by the employer. Requires an employer to file a response, either accepting or objecting to a treatment plan, within ten days of receipt. Imposes a monetary penalty if an employer does not file a response within the ten-day period, unless there was good cause for the delay. Clarifies that a treatment plan is deemed accepted if an employer fails to file certain documents within the ten-day period. Imposes penalties on employers found to have improperly denied a treatment plan. (CD1)

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