

JAN 21 2026

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 employer shall allow a
8 physician to transmit a treatment plan to an employer by mail,
9 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 (c) A treatment plan shall be deemed received by an
13 employer when the plan is sent by mail or facsimile with
14 reasonable evidence showing that the treatment plan was
15 received.

16 (d) An employer shall file a response with the director,
17 either accepting or objecting to the treatment plan, within



1 seven days after the treatment plan is deemed received by the
2 employer pursuant to subsection (c). In addition to any other
3 applicable fines, an employer who fails to file a response
4 within the seven-day period shall be fined \$500.

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

8 (1) An objection to the treatment plan;

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

11 (3) A copy of the denied treatment plan,
12 ~~[copying the physician and the injured employee.]~~ within seven
13 days of receipt of the treatment plan pursuant to subsection
14 (d).

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

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

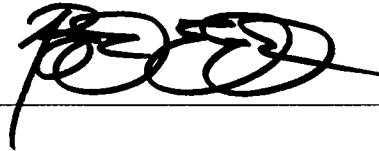


1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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S.B. NO. 2393

Report Title:

Workers' Compensation; Treatment Plan; Response; Penalty

Description:

Requires an employer to file a response, either accepting or objecting to a treatment plan, within seven days of receipt. Imposes a monetary penalty if an employer does not file a response within the seven-day period. Clarifies that a treatment plan is deemed accepted if an employer fails to file certain documents within the seven-day period.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

