
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 \$500, unless the director determines there was good cause
5 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 evidence supporting the
11 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 evidence
17 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 Statutory material to be repealed is bracketed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 on July 1, 3000.



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 the Director of Labor and Industrial Relations determines there was good cause in the delay. Clarifies that a treatment plan is deemed accepted if an employer fails to file certain documents within the ten-day period. Effective 7/1/3000. (HD2)

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