
A BILL FOR AN ACT

RELATING TO THE WORKERS' COMPENSATION LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 386-21, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The director, with input from stakeholders in the
4 workers' compensation system, including but not limited to
5 insurers, health care providers, employers, and employees, shall
6 establish standardized forms for health care providers to use
7 when reporting on and billing for injuries compensable under
8 this chapter. ~~[The forms may be in triplicate, or in any other
9 configuration so as to minimize, to the extent practicable, the
10 need for a health care provider to fill out multiple forms
11 describing the same workers' compensation case to the
12 department, the injured employee's employer, and the employer's
13 insurer.]"~~

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

16 "**[+]§386-21.2[+] Treatment plans.** ~~[-(a) A physician may
17 transmit a treatment plan to an employer by mail or facsimile;~~



1 ~~provided that the physician shall send the treatment plan to an~~
2 ~~address or facsimile number provided by the employer.~~

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

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

12 ~~[(d)]~~ (c) A treatment plan shall be deemed accepted if an
13 employer fails to file with the director:

14 (1) An objection to the treatment plan;

15 (2) Any applicable documentary evidence supporting the
16 denial; and

17 (3) A copy of the denied treatment plan,
18 copying the physician and the injured employee.

19 ~~[(e)]~~ (d) After acceptance of the treatment plan, an
20 employer may file an objection to the plan if new documentary
21 evidence supporting the denial is received by the employer."



1 SECTION 3. Section 386-25, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) The employer shall have ten calendar days from [~~the~~
4 ~~postmark date on which the plan was mailed~~] the receipt of the
5 vocational rehabilitation plan to submit in writing to the
6 director any objections to the plan. A vocational
7 rehabilitation plan shall be deemed received by an employer when
8 the plan is transmitted with reasonable evidence showing that
9 the plan was received."

10 SECTION 4. Section 386-95, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§386-95 Reports of injuries, other reports, penalty.** (a)
13 Every employer shall keep a record of all injuries, fatal or
14 otherwise, received by the employer's employees in the course of
15 their employment, when known to the employer or brought to the
16 employer's attention.

17 (b) Within seven working days after the employer has
18 knowledge of [~~such~~] the injury causing absence from work for one
19 day or more or requiring medical treatment beyond ordinary first
20 aid, the employer shall make a report [~~thereon~~] to the director.
21 The report shall set forth the name, address, and nature of the



1 employer's business [~~and~~]; the name, age, sex, wages, and
2 occupation of the injured employee [~~and shall state~~]; the date
3 and hour of the accident, if the injury is produced thereby[~~;~~];
4 the nature and cause of the injury[~~;~~]; and [~~such~~] any other
5 information as the director may require.

6 (c) By January 31 of each year, the employer shall file
7 with the director a report with respect to each injury on which
8 the employer is continuing to pay compensation, showing all
9 amounts paid by the employer on account of the injury.

10 (d) The reports required by this section shall be [~~made on~~
11 ~~forms to be obtained from the director pursuant to section 386-~~
12 ~~71 and deposit of reports in the United States mail or]~~
13 submitted by electronic means as approved by the director[~~;~~
14 ~~addressed to the director,~~]. Reports submitted within the time
15 specified shall be deemed in compliance with the requirements of
16 this section.

17 (e) When an injury results in immediate death, the
18 employer shall within forty-eight hours notify personally or by
19 telephone a representative of the department in the county where
20 the injury occurred.



1 (f) Within thirty days after final payment of compensation
2 for an injury, the employer shall file a final report with the
3 director showing the total payments made, the date of
4 termination of temporary total disability, and ~~[such]~~ any other
5 information as the director may require.

6 (g) Any employer who wilfully refuses or neglects to file
7 any of the reports or give any notice required by this section
8 shall be fined by the director ~~[not]~~ no more than \$5,000.

9 (h) Copies of all reports, other than those of fatal
10 injuries, filed with the director as required by this section
11 shall be sent to the injured employee by the employer."

12 SECTION 5. Section 386-96, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) ~~[Deposit]~~ Submission of the records required by
15 subsection (a) (1) ~~[in the United States mail or]~~ by electronic
16 means as approved by the director, ~~[addressed to the director~~
17 ~~and to the employer,]~~ within the time limit specified, shall be
18 deemed in compliance with the requirements of this section."

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

DLIR; Workers' Compensation; Modernization of Data System;
Treatment Plans; Vocational Rehabilitation Plans; Electronic
Submission of Reports

Description:

Repeals outdated mail and triplicate form requirements.
Clarifies how a physician transmits a treatment plan to an
employer. Clarifies the timeframe for when an employer must
submit an objection to a vocational rehabilitation plan and when
a vocational rehabilitation plan is deemed received by an
employer. Requires electronic submission of various reports to
the Director of Labor and Industrial Relations. Effective
7/1/3000. (HD2)

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

