

ACT 101

H.B. NO. 2017

A Bill for an Act Relating to Workers' Compensation Treatment Plans.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that Hawaii's current system for physicians to submit treatment plans in workers' compensation claims is in need of modernization given advancements in technology. The legislature further finds that allowing treatment plans to be faxed will greatly improve the efficiency of Hawaii's workers' compensation system. This first step will assist in making the system better while the department of labor and industrial relations completes the studies of the system that were previously requested by the legislature.

The purpose of this Act is to improve the efficiency of Hawaii's workers' compensation system by permitting an option for the transmittal of treatment plans via facsimile.

SECTION 2. Chapter 386, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§386- Treatment plans.** (a) A physician may transmit a treatment plan to an employer by mail or facsimile; provided that the physician shall send the treatment plan to an address or facsimile number provided by the employer.

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

(c) A treatment plan shall be deemed received by an employer when the plan is sent by mail or facsimile with reasonable evidence showing that the treatment plan was received.

(d) A treatment plan shall be deemed accepted if an employer fails to file with the director:

- (1) An objection to the treatment plan;
- (2) Any applicable documentary evidence supporting the denial; and
- (3) A copy of the denied treatment plan, copying the physician and the injured employee.

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

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 2016.)

**Note**

1. Edited pursuant to HRS §23G-16.5.