

LIRAB Annual Report

Fiscal Year 2017

Overview

The Labor & Industrial Relations Appeals Board (LIRAB) is a quasi-judicial agency that is attached to the Department of Labor & Industrial Relations (DLIR) for administrative and budgetary purposes only. LIRAB adjudicates appeals from decisions rendered by the Director of Labor & Industrial Relations (Director) via the Disability Compensation Division relating to workers' compensation matters (Chapter 386, Hawaii Revised Statutes) and decisions rendered by the Director relating to the Boiler and Elevator Safety Law (Chapter 397, Hawaii Revised Statutes). Proceedings before LIRAB are subject to Chapter 91 of the Hawaii Administrative Procedures Act and other applicable administrative rules and laws.

Program Objective

LIRAB's program objective is to provide prompt, just and efficient adjudication of appeals from decisions of the Director of Labor & Industrial Relations relating to Workers' Compensation and Boiler and Elevator Safety.

LIRAB Members

LIRAB comprises two Board Members and one Chairperson who are appointed by the Governor of the State of Hawaii and confirmed by the Hawaii State Senate for 10-year terms. The Chairperson is required by law to be an attorney licensed to practice in all of the courts of this State.

LIRAB Staff

LIRAB is supported by a staff of 6: Executive Officer, Hearings Officer, Staff Attorney, Researcher, Chief Clerk, and Secretary.

LIRAB ACTIVITIES for FY 2015

Workers' Compensation Cases	
New LIRAB appeals received in FY 2017	300
Cases disposed of or closed by settlement, dismissal, Decision and Order, or other means in FY 2017	400
Cases pending as of June 30, 2017	441
Pre-hearing conferences (initial, settlement and status conferences) held in FY 2017	836

Motions/Orders to Show Cause /Oral Arguments heard in FY 2017	172
Trials held in FY 2017	102
Percentage of appeals resolved within 15 months of receipt in FY 2017	71%
Percentage of appeals upheld by appellate court in FY 2017	76%
Number of cases awaiting written decision and order in FY 2017	114
Number of Appellate Court Decisions issued in FY 2017	17
Boiler & Elevator Safety Cases	
Cases pending as of June 2017	0
New appeals filed during FY 2017	0

LIRAB FY 2017 Goals and Objectives

No.#1 Amendments To LIRAB Rules of Practice and Procedure

The Primary Goal for FY 2017 is to finalize the Amendments to LIRAB Rules of Practice and Procedure.

Background/Justification: LIRAB’s Rules of Practice and Procedure have not been changed since February 1994 (4 Governors and 3 LIRAB Chairs ago). LIRAB began the initial process of amending the Rules several years ago. This process was interrupted by the retirements and resulting vacancies on the Board. Now that Marie Laderta has been nominated by Governor Ige, LIRAB anticipates that upon the completion of the “advise and consent of the Senate”, Marie Laderta will then be appointed. With a full three-member Labor Appeals Board seated, the anticipated LIRAB Goal is for LIRAB to now move forward and complete the process which is anticipated to take up to a full year to complete.

No.#2 Medical Treatment Plan Dispute - Fast Tracked .

To meet one of its Objectives for the prompt, just and efficient adjudication of appeals, another Goal for FY 2017 is to shorten the timeline (i.e., Fast Track) regarding those appeals” where the only issue(s) involves disputes regarding “Medical Treatment Plans” under the Medical Fee Schedule Rules and Regulations .

Justification/ Reasons: The “fast tracking” of these types of appeals is to address the legislative intent of the necessity of timely medical services “reasonably needed”. There should be no additional request to the State Legislature for another “ body” since LIRAB has a Hearings Officer Position specifically assigned to this type of case. The fast-track case with only one issue, should accomplish the legislative intent and improve the services LIRAB provides to the public. Another objective is to reduce the

backlog of cases. Currently the statute, Section 386-21, HRS requires "when a dispute exists between an employee and the employer or the employer's insurer regarding the proposed treatment plan or whether medical services should be continued... , The director shall make a decision within 30 days of the filing of a dispute. ..." Keeping in mind that decisions and orders from LIRAB, following a hearing, need to comply with HRS Chapter 91, the anticipated LIRAB Goal is a fast-tracked Medical Treatment Plan dispute case from beginning to end, to be completed in a six-month time period.

No.#3 Indemnity Benefit Dispute -Fast Tracked.

To meet the same Objective for the prompt, just and efficient adjudication of appeals, another Goal for FY 2017 is to "Fast Track" Indemnity Benefit Disputes. Where "reasonably needed" medical restoration and psychological rehabilitation are statutorily satisfied, LIRAB will need to refocus the "Appeal process" by the shortening of the timeline (i.e. Fast-Track) regarding the "adjudication of appeals" where there is only one (1) issue involving an indemnity benefit under HRS Chapter 386. This type of single **indemnity dispute case** would cover:

- 1) temporary total disability (TTD), **or** (2) permanent partial disability (PPD)/ permanent total disability (PTD),
- or** 3) vocational rehabilitation (VR) benefits.

Justification/Reasons: Where "reasonably needed" medical restoration and psychological rehabilitation are statutorily satisfied, the goal is for LIRAB to refocus the "Appeals Process" through the efficient utilization of its "manpower and resources" in line with the statutory goals established under HRS Chapter 386 for injured workers as intended by the Legislature. The Legislative mandate is described as follows : 1)timely payment of TTD benefits for eligible injured workers, 2) return of permanently disabled worker to some gainful employment whenever possible, even where new skills must be developed (VR) , and 3) the providing of substantial compensatory relief (PPD/PTD) with the economic and other losses incurred by an injured worker who has suffered a compensable injury . With the limitation on staff and LIRAB keeping in mind that decisions and orders from LIRAB, following a hearing need to comply with HRS Chapter 91, the anticipated LIRAB Goal is a fast tracked Indemnity Benefit Dispute case from beginning to end to be completed in a nine-month time period.

No.#4 Completion of " Pre-2015" WC Case Files Into The Internal Electronic Document Management System (DocuShare).

Working together with DCD Administrator JoAnn Vidinhar through the transition and implementation of Docushare, LIRAB's anticipated goal for FY 2017 is to finally realize the completion of the "scanning and indexing of all 'Pre- 2015' WC case files" into the Internal Electronic Document Management System (DocuShare).

Justification/Reasons: LIRAB spearheaded a paperless initiative by implementing an internal electronic document management system to digitize paper case files on appeal. LIRAB's system went live on June 15, 2015. From that starting point LIRAB's need to address the understaffing in both clerical and professional section has been a challenge requiring the understanding and cooperation from the existing staff in working together towards the completion of the Docushare Project. Also with DCD's full commitment, given the assurances by DCD Administrator JoAnn Viidhar,, an anticipated completion of the "scanning and indexing of all 'Pre- 2015' WC case files" is in sight. Following appropriate staff training and with DCD "coming on board", Governor Ige's vision of State Government going paperless should come to fruition. Realistically, given the volumes of paperwork found in the past and present workers' compensation case files and transforming the culture of government to embrace and accelerate change, LIRAB's anticipated goal for FY 2017 is to finally realize the completion of the "scanning and indexing" of all "Pre- 2015 WC case files" into the Internal Electronic Document Management System (DocuShare).

LIRAB 2017 Accomplishments or Highlights

- 1. Update stats on electronic doc management system.*
- 2. Technology – voip phones, auto attendant*
- 3. Clerical position restored – shorten time to resolve all appeals*

