
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR
CERTAIN TYPES OF RECONSTRUCTIVE SURGERY, INCLUDING
CRANIOFACIAL SURGERY.

1 WHEREAS, about 100,000 children are born each year with
2 some degree of craniofacial disfigurement, and children as well
3 as adults can develop such conditions through trauma and
4 disease; and

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6 WHEREAS, these and other individuals would greatly benefit
7 from reconstructive surgery to correct or repair abnormal
8 structures of their bodies; and

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10 WHEREAS, "reconstructive surgery" means any medically
11 necessary and appropriate surgery performed to correct or repair
12 abnormal structures of the body caused by congenital defects,
13 developmental abnormalities, trauma, infection, tumors, or
14 disease, such as craniofacial surgery, to improve functions or
15 give the patient a normal appearance, to the extent possible, in
16 the judgment of the physician performing the surgery; and

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18 WHEREAS, "cosmetic surgery" means surgery that is performed
19 to alter or reshape normal structures of the body to improve
20 appearance; and

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22 WHEREAS, insurance companies will sometimes incorrectly
23 label needed reconstructive care as "cosmetic" and deny coverage
24 for this and other reasons; and

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26 WHEREAS, it is reported that when this denial of coverage
27 is challenged legally, insurers generally settle and pay for the
28 coverage, but due to the financial burdens associated with
29 craniofacial conditions, many families are unable to afford
30 legal representation and either forego the surgery or incur
31 significant financial debt; and



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2 WHEREAS, the American Medical Association has already
3 developed clear guidelines regarding the differences between
4 cosmetic and reconstructive surgeries; and

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6 WHEREAS, the Reconstructive Surgery Act of 2005, H.R. 4022,
7 which incorporates these definitions and is similar to language
8 in federal law requiring coverage for reconstruction after
9 mastectomies, was introduced in Congress to guarantee insurance
10 coverage for craniofacial and other patients; and

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12 WHEREAS, at least 16 other states have passed some degree
13 of legislation to require insurers to cover reconstructive
14 surgeries, and no evidence has been presented to suggest that
15 this has resulted in significant premium increases; and

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17 WHEREAS, the Legislature believes that mandatory health
18 insurance coverage for certain types of reconstructive surgery,
19 including craniofacial surgery, as provided in H.B. No.
20 (2006), will assist in the maintenance of good health for the
21 people of this State; now, therefore,

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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-third Legislature of the State of Hawaii, Regular Session
25 of 2006, the Senate concurring, that the Auditor is requested to
26 conduct an impact assessment report, pursuant to sections 23-51
27 and 23-52, Hawaii Revised Statutes, of the social and financial
28 impacts of mandating coverage for certain types of
29 reconstructive surgery, including craniofacial surgery, for all
30 policies and contracts, hospital and medical service plan
31 contracts, medical service corporation contracts, and health
32 maintenance organization plans and contracts issued after
33 December 31, 2006, as provided in H.B. No. (2006); and

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35 BE IT FURTHER RESOLVED that the Auditor is requested to
36 submit findings and recommendations to the Legislature,
37 including any necessary implementing legislation, at least
38 twenty days prior to the convening of the Regular Session of
39 2007; and

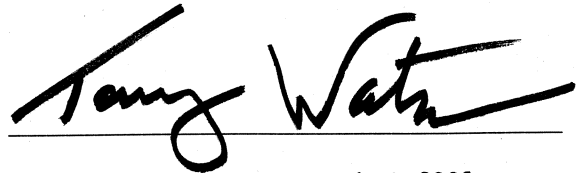


H.C.R. NO. 21

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Auditor and to the
3 Insurance Commissioner, who in turn is requested to transmit
4 copies to each insurer in the state that issues health insurance
5 policies.

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OFFERED BY:



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