
A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. Chapter 431, article 10A, Hawaii Revised
2 Statutes, is amended by adding a new section to part I to be
3 appropriately designated and to read as follows:
4 "§431:10A- Prescription drug coverage; medically
5 necessary; continuation of coverage. (a) If an insured's
6 physician determines within six months of a change in insurer by
7 the insured or a change in an insurer's prescription drug
8 formulary or coverage policy, that it is in the best interest of
9 the insured to continue to have coverage for a certain
10 prescription medication that the physician determines to be
11 life-saving, any insurer that issues a policy that offers
12 coverage for prescription drug benefits shall continue coverage
13 for that prescription medication under any policy entered into
14 by the insured and the insurer on or after July 1, 2010.

15 A medication shall be deemed life saving if it is necessary
16 to treat a chronic disease or illness, maintain the patient's
17 life, or preserve the patient's health or quality of life to the
18 extent that the patient would be unable to continue to perform



1 necessary life activities such as work, school, self-care, or
2 independent living to the same degree without the medication as
3 with it. Life-saving medication shall include but shall not be
4 limited to:

5 (1) Anticancer drugs, including both oral and intravenous
6 chemotherapy;

7 (2) Intravenous immune globulin therapy, also known as
8 IVIG; and

9 (3) Pediatric prescriptions for children with chronic
10 diseases or conditions.

11 (b) For the purposes of this section:

12 "Coverage" means the benefits, costs, and requirements for
13 patient access to medical products and services as enumerated in
14 the written explanation of benefits document issued by the
15 health carrier.

16 "Prescription drug benefits" means the prescription drug
17 benefits as defined in the explanation of benefits document
18 issued by the health insurance carrier that describes the cost,
19 cost-sharing, and available medications, as well as any
20 utilization management requirements that patients must meet in
21 order to access the prescribed drug."



1 SECTION 2. Chapter 431, article 10A, Hawaii Revised
2 Statutes, is amended by adding a new section to part II to be
3 appropriately designated and to read as follows:

4 "§431:10A- Prescription drug coverage; medically
5 necessary; continuation of coverage. If an insured's physician
6 determines within six months of a change in insurer by the
7 insured or a change in an insurer's prescription drug formulary
8 or coverage policy, that it is in the best interest of the
9 insured to continue to have coverage for a certain prescription
10 medication that the physician determines to be life-saving, any
11 insurer that issues a policy that offers coverage for
12 prescription drug benefits shall continue coverage for that
13 prescription medication under any policy entered into by the
14 insured and the insurer on or after July 1, 2010.

15 A medication shall be deemed life saving if it is necessary
16 to treat a chronic disease or illness, maintain the patient's
17 life, or preserve the patient's health or quality of life to the
18 extent that the patient would be unable to continue to perform
19 necessary life activities such as work, school, self-care, or
20 independent living to the same degree without the medication as
21 with it. Life-saving medication shall include but shall not be
22 limited to:



1 (1) Anticancer drugs, including both oral and intravenous
2 chemotherapy;

3 (2) Intravenous immune globulin therapy, also known as
4 IVIG; and

5 (3) Pediatric prescriptions for children with chronic
6 diseases or conditions.

7 (b) For the purposes of this section:

8 "Coverage" means the benefits, costs, and requirements for
9 patient access to medical products and services as enumerated in
10 the written explanation of benefits document issued by the
11 health carrier.

12 "Prescription drug benefits" means the prescription drug
13 benefits as defined in the explanation of benefits document
14 issued by the health insurance carrier that describes the cost,
15 cost-sharing, and available medications, as well as any
16 utilization management requirements that patients must meet in
17 order to access the prescribed drug."

18 SECTION 3. Chapter 432, article I, Hawaii Revised
19 Statutes, is amended by adding a new section to part VI to be
20 appropriately designated and to read as follows:

21 "§432:1- Prescription drug coverage; medically
22 necessary; continuation of coverage. If a member's physician



1 determines within six months of a change in insurer by the
2 member or a change in a mutual benefit society's prescription
3 drug formulary or coverage policy, that it is in the best
4 interest of the member to continue to have coverage for a
5 certain prescription medication that the physician determines to
6 be life-saving, any mutual benefit society that issues a policy
7 that offers coverage for prescription drug benefits shall
8 continue coverage for that prescription medication under any
9 policy entered into by the member and the mutual benefit society
10 on or after July 1, 2010.

11 A medication shall be deemed life saving if it is necessary
12 to treat a chronic disease or illness, maintain the member's
13 life, or preserve the member's health or quality of life to the
14 extent that the member would be unable to continue to perform
15 necessary life activities such as work, school, self-care, or
16 independent living to the same degree without the medication as
17 with it. Life-saving medication shall include but shall not be
18 limited to:

19 (1) Anticancer drugs, including both oral and intravenous
20 chemotherapy;

21 (2) Intravenous immune globulin therapy, also known as
22 IVIG; and



1 (3) Pediatric prescriptions for children with chronic
2 diseases or conditions.

3 (b) For the purposes of this section:

4 "Coverage" means the benefits, costs, and requirements for
5 patient access to medical products and services as enumerated in
6 the written explanation of benefits document issued by the
7 health carrier.

8 "Prescription drug benefits" means the prescription drug
9 benefits as defined in the explanation of benefits document
10 issued by the health insurance carrier that describes the cost,
11 cost-sharing, and available medications, as well as any
12 utilization management requirements that patients must meet in
13 order to access the prescribed drug."

14 SECTION 4. Chapter 432, article II, Hawaii Revised
15 Statutes, is amended by adding a new section to part IV to be
16 appropriately designated and to read as follows:

17 "§432:2- Prescription drug coverage; medically
18 necessary; continuation of coverage. If a member's physician
19 determines within six months of a change in insurer by the
20 member or a change in an insurer's prescription drug formulary
21 or coverage policy, that it is in the best interest of the
22 insured to continue to have coverage for a certain prescription



1 medication that the physician determines to be life-saving, any
2 fraternal benefit society that issues a policy that offers
3 coverage for prescription drug benefits shall continue coverage
4 for that prescription medication under any policy entered into
5 by the member and fraternal benefit society on or after July 1,
6 2010.

7 A medication shall be deemed life saving if it is necessary
8 to treat a chronic disease or illness, maintain the member's
9 life, or preserve the member's health or quality of life to the
10 extent that the member would be unable to continue to perform
11 necessary life activities such as work, school, self-care, or
12 independent living to the same degree without the medication as
13 with it. Life-saving medication shall include but shall not be
14 limited to:

15 (1) Anticancer drugs, including both oral and intravenous
16 chemotherapy;

17 (2) Intravenous immune globulin therapy, also known as
18 IVIG; and

19 (3) Pediatric prescriptions for children with chronic
20 diseases or conditions.

21 (b) For the purposes of this section:



1 "Coverage" means the benefits, costs, and requirements for
2 patient access to medical products and services as enumerated in
3 the written explanation of benefits document issued by the
4 health carrier.

5 "Prescription drug benefits" means the prescription drug
6 benefits as defined in the explanation of benefits document
7 issued by the health insurance carrier that describes the cost,
8 cost-sharing, and available medications, as well as any
9 utilization management requirements that patients must meet in
10 order to access the prescribed drug."

11 SECTION 5. Chapter 432D, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§432D- Prescription drug coverage; medically necessary;
15 continuation of coverage. If a member's physician determines
16 within six months of a change in insurer by the member or a
17 change in an health maintenance organization's prescription drug
18 formulary or coverage policy, that it is in the best interest of
19 the member to continue to have coverage for a certain
20 prescription medication that the physician determines to be
21 life-saving, any health maintenance organization that issues a
22 policy that offers coverage for prescription drug benefits shall



1 continue coverage for that prescription medication under any
2 policy entered into by the member and the health maintenance
3 organization on or after July 1, 2010.

4 A medication shall be deemed life saving if it is necessary
5 to treat a chronic disease or illness, maintain the member's
6 life, or preserve the member's health or quality of life to the
7 extent that the member would be unable to continue to perform
8 necessary life activities such as work, school, self-care, or
9 independent living to the same degree without the medication as
10 with it. Life-saving medication shall include but shall not be
11 limited to:

12 (1) Anticancer drugs, including both oral and intravenous
13 chemotherapy;

14 (2) Intravenous immune globulin therapy, also known as
15 IVIG; and

16 (3) Pediatric prescriptions for children with chronic
17 diseases or conditions.

18 (b) For the purposes of this section:

19 "Coverage" means the benefits, costs, and requirements for
20 patient access to medical products and services as enumerated in
21 the written explanation of benefits document issued by the
22 health carrier.



1 "Prescription drug benefits" means the prescription drug
2 benefits as defined in the explanation of benefits document
3 issued by the health insurance carrier that describes the cost,
4 cost-sharing, and available medications, as well as any
5 utilization management requirements that patients must meet in
6 order to access the prescribed drug."

7 SECTION 6. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 7. New statutory material is underscored.

11 SECTION 8. This Act shall take effect on July 1, 2050.

12



Report Title:

Health Insurance; Drug Coverage

Description:

Requires health insurers and like entities to offer continued coverage of specific prescription medications where an individual's physician determines that continued coverage is in the best interest of the patient after changing insurance carriers. Effective 7/1/50. (SD2)

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

