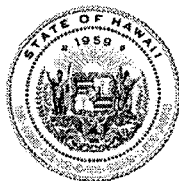


SB2844



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON HEALTH
TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Friday, February 5, 2010
2:55 p.m.

**TESTIMONY ON SENATE BILL NO. 2844 – RELATING TO ANATOMICAL
TRANSPLANTS.**

TO THE HONORABLE DAVID Y. IGE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is J.P. Schmidt, State Insurance Commissioner (“Commissioner”), testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department takes no position on this bill, which prohibits health insurers from denying or limiting coverage for organ or tissue transplantation services on the basis that the member is infected with the human immunodeficiency virus. We do not have the medical expertise to give a credible opinion on this matter.

We thank this Committee for the opportunity to present testimony on this matter.



February 5, 2010

The Honorable David Ige, Chair
The Honorable Josh Green M.D., Vice Chair
Senate Committee on Health

Re: SB 2844 – Relating to Anatomical Transplants

Dear Chair Ige, Vice Chair Green and Members of the Committee:

My name is Howard Lee and I am President of the Hawaii Association of Health Plans (“HAHP”). HAHP is a non-profit organization consisting of seven (7) member organizations:

AlohaCare
Hawaii Medical Assurance Association
HMSA
Hawaii-Western Management Group, Inc.

MDX Hawai‘i
University Health Alliance
UnitedHealthcare

Our mission is to promote initiatives aimed at improving the overall health of Hawaii. We are also active participants in the legislative process. Before providing any testimony at a Legislative hearing, all HAHP member organizations must be in unanimous agreement of the statement or position.

Thank you for the opportunity to testify on SB 2844, which would prohibit health plans from denying or limiting coverage for organ transplant services to members infected with HIV. We have concerns with the language in this measure and believe that it is unnecessary. We are not aware of any medical practice guideline or hospital provider or health plan in Hawaii that has ever attempted to limit the availability of medically necessary transplant services to a member infected with HIV. This bill addresses a problem that does not exist in Hawaii. Transplant patients, all transplant patients, must meet a minimum level of criteria to even be placed on the waiting list for the procedure.

Thank you for the opportunity to testify.

Sincerely,

Howard Lee
President

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
Senate Committee on Health
The Honorable David Y. Ige, Chair
The Honorable Josh Green, M.D., Vice Chair

February 5, 2010
2:55 pm
Conference Room 016

Re: SB2844 Relating to Anatomical Transplants

Chair Ige and committee members thank you for this opportunity to provide testimony on this bill relating to anatomical transplants.

Kaiser Permanente supports this bill.

Kaiser Permanente does not currently deny or limit coverage for organ or tissue transplants on the basis that the patient member is infected with the human immunodeficiency virus ("HIV"). Last year, Kaiser Permanente in fact transferred a solid organ to a mainland member recipient who was infected with HIV.

Kaiser Permanente continues to screen prospective transplant candidates under the exclusionary rules recognized in the Kaiser National Transplant Network Patient Selection and Transplant Criteria, which does not exclude HIV recipients.

Thank you for your consideration.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 5, 2010

The Honorable David Ige, Chair
The Honorable Josh Green M.D., Vice Chair

Senate Committee on Health

Re: SB 2844 – Relating to Anatomical Transplants

Dear Chair Ige, Vice Chair Green and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2844 which would prohibit health plans from denying or limiting coverage for transplant services based on a member's HIV status. HMSA has concerns with this measure and believes that it is unnecessary.

Health plan coverage for transplant services is based on medical necessity criteria. Any HMSA member seeking an organ transplant would be required to meet a certain level of criteria in order to be approved for the transplant. HMSA does not discriminate on the basis of an individuals' HIV status.

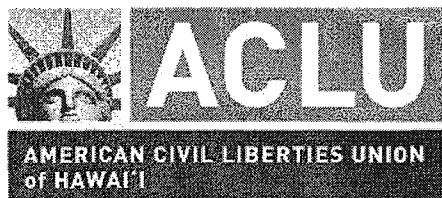
In addition to the fact that SB 2844 is not addressing a problem with organ transplants in Hawaii, we believe the language would seemingly remove a plan's ability to require a member meet the medical necessity criteria for all transplant patients. This could end up being extremely problematic as transplant criteria is extremely rigid and all potential transplant patients must meet the same level of criteria.

Due to the issues with the measure, we would respectfully request the Committee see fit to hold SB 2844. Thank you for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink, appearing to read 'JD' with a long horizontal flourish extending to the right.

Jennifer Diesman
Vice President
Government Relations



Committee: Committee on Health
Hearing Date/Time: Thursday, February 5, 2009, 2:55 p.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii to Offer Comments to S.B. 2844,
Relating to Anatomical Transplants

Dear Chair Ige and Members of the Committee on Health:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 2844, which seeks to prohibit health insurers from denying or limiting coverage for organ or tissue transplantation services on the basis that the insured, member, enrollee, or subscriber is infected with the human immunodeficiency virus.

Although HIV may no longer be a death sentence, a health insurer's refusal to cover an organ transplant might be. This just and compassionate bill will save lives and end what may be the most egregious example of discrimination against those living with HIV.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
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