

JAN 21 2011

A BILL FOR AN ACT

RELATING TO NATUROPATHIC PHYSICIANS.

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

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A to be
3 appropriately designated and to read as follows:
4 "§431:10A- Primary care provider; naturopathic
5 physician. (a) Each policy of accident and health or sickness
6 insurance delivered or issued for delivery in this State shall
7 recognize naturopathic physicians licensed pursuant to chapter
8 455 as participating providers and shall include coverage for
9 care provided by participating naturopathic physicians
10 practicing within the scope of their licenses for purposes of
11 health maintenance, diagnosis, or treatment to the extent that
12 the policy provides benefits for identical services rendered by
13 another health care provider.
14 (b) Notwithstanding any other law to the contrary, an
15 insurer may recognize a participating naturopathic physician as
16 a primary care provider if the insured's policy requires the
17 selection of a primary care provider. The insurer shall include
18 participating naturopathic physicians who practice as primary



1 care providers on any publicly available list of participating
2 primary care providers; provided that the insurer retains the
3 right to determine the contracting criteria for a participating
4 primary care provider.

5 (c) For the purposes of this section, "participating
6 naturopathic physician" means a naturopathic physician who has
7 contracted with the insurer to provide health care services to
8 its insureds."

9 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
10 amended by adding a new section to article 1 to be appropriately
11 designated and to read as follows:

12 "§432:1- Primary care provider; naturopathic physician.

13 (a) Each policy of accident and health or sickness insurance
14 delivered or issued for delivery in this State by a mutual
15 benefit society shall recognize naturopathic physicians licensed
16 pursuant to chapter 455 as participating providers and shall
17 include coverage for care provided by participating naturopathic
18 physicians practicing within the scope of their licenses for
19 purposes of health maintenance, diagnosis, or treatment to the
20 extent that the policy provides benefits for identical services
21 rendered by another health care provider.



1 (b) Notwithstanding any other law to the contrary, a
2 mutual benefit society may recognize a participating
3 naturopathic physician as a primary care provider if the
4 member's policy requires the selection of a primary care
5 provider. The mutual benefit society shall include
6 participating naturopathic physicians who practice as primary
7 care providers on any publicly available list of participating
8 primary care providers; provided that the mutual benefit society
9 retains the right to determine the contracting criteria for a
10 participating primary care provider.

11 (c) For the purposes of this section, "participating
12 naturopathic physician" means a naturopathic physician who has
13 contracted with the mutual benefit society to provide health
14 care services to its members."

15 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
16 amended by adding a new section to article 2, to be
17 appropriately designated and to read as follows:

18 "§432:2- Primary care provider; naturopathic physician.

19 (a) Each policy of accident and health or sickness insurance
20 delivered or issued for delivery in this State by a fraternal
21 benefit society shall recognize naturopathic physicians licensed
22 pursuant to chapter 455 as participating providers and shall



1 include coverage for care provided by participating naturopathic
2 physicians practicing within the scope of their licenses for
3 purposes of health maintenance, diagnosis, or treatment to the
4 extent that the policy provides benefits for identical services
5 rendered by another health care provider.

6 (b) Notwithstanding any other law to the contrary, a
7 fraternal benefit society may recognize a participating
8 naturopathic physician as a primary care provider if the
9 member's policy requires the selection of a primary care
10 provider. The fraternal benefit society shall include
11 participating naturopathic physicians who practice as primary
12 care providers on any publicly available list of participating
13 primary care providers; provided that the fraternal benefit
14 society retains the right to determine the contracting criteria
15 for a participating primary care provider.

16 (c) For the purposes of this section, "participating
17 naturopathic physician" means a naturopathic physician who has
18 contracted with the fraternal benefit society to provide health
19 care services to its members."

20 SECTION 4. Section 431:10A-115.5, Hawaii Revised Statutes,
21 is amended by amending subsection (e) to read as follows:



1 "(e) For the purposes of this section, "child health
2 supervision services" means [~~physician delivered, physician-~~
3 ~~supervised, physician assistant delivered, or nurse delivered~~
4 ~~services as defined by section 457-2 ("registered nurse")]~~
5 services supervised by a physician or osteopathic physician
6 licensed pursuant to chapter 453 or services delivered by a
7 physician or osteopathic physician licensed pursuant to chapter
8 453, a naturopathic physician licensed pursuant to chapter 455,
9 or a registered nurse licensed pursuant to chapter 457 which
10 shall include as the minimum benefit coverage for services
11 delivered at intervals and scope stated in this section."

12 SECTION 5. Section 431:10A-116, Hawaii Revised Statutes,
13 is amended to read as follows:

14 "**§431:10A-116 Coverage for specific services.** Every
15 person insured under a policy of accident and health or sickness
16 insurance delivered or issued for delivery in this State shall
17 be entitled to the reimbursements and coverages specified below:

18 (1) Notwithstanding any provision to the contrary,
19 whenever a policy, contract, plan, or agreement
20 provides for reimbursement for any visual or
21 optometric service[~~7~~] which is within the lawful scope
22 of practice of a duly licensed optometrist, the person



1 entitled to benefits or the person performing the
2 services shall be entitled to reimbursement whether
3 the service is performed by a licensed physician or by
4 a licensed optometrist. Visual or optometric services
5 shall include eye or visual examination [~~or both~~]
6 or a correction of any visual or muscular anomaly[~~]~~
7 and the supplying of ophthalmic materials, lenses,
8 contact lenses, spectacles, eyeglasses, and
9 appurtenances thereto;

10 (2) Notwithstanding any provision to the contrary, for all
11 policies, contracts, plans, or agreements issued on or
12 after May 30, 1974, whenever provision is made for
13 reimbursement or indemnity for any service related to
14 surgical or emergency procedures, which is within the
15 lawful scope of practice of any practitioner licensed
16 to practice medicine in this State, reimbursement or
17 indemnification under such policy, contract, plan, or
18 agreement shall not be denied when [~~such~~] the services
19 are performed by a dentist acting within the lawful
20 scope of the dentist's license;

21 (3) Notwithstanding any provision to the contrary,
22 whenever the policy provides reimbursement or payment



1 for any service [7] which is within the lawful scope of
2 practice of a psychologist licensed in this State, the
3 person entitled to benefits or performing the service
4 shall be entitled to reimbursement or payment [7]
5 whether the service is performed by a licensed
6 physician or licensed psychologist;

7 (4) Notwithstanding any provision to the contrary, each
8 policy, contract, plan, or agreement issued on or
9 after February 1, 1991, except for policies that only
10 provide coverage for specified diseases or other
11 limited benefit coverage, but including policies
12 issued by companies subject to chapter 431, article
13 10A, part II and chapter 432, article 1 shall provide
14 coverage for screening by low-dose mammography for
15 occult breast cancer as follows:

16 (A) For women forty years of age and older, an annual
17 mammogram; and

18 (B) For a woman of any age with a history of breast
19 cancer or whose mother or sister has had a
20 history of breast cancer, a mammogram upon the
21 recommendation of the woman's physician.



1 The services provided in this paragraph are
2 subject to any coinsurance provisions that may be in
3 force in these policies, contracts, plans, or
4 agreements.

5 For the purpose of this paragraph, the term "low-
6 dose mammography" means the x-ray examination of the
7 breast using equipment dedicated specifically for
8 mammography, including but not limited to the x-ray
9 tube, filter, compression device, screens, films, and
10 cassettes, with an average radiation exposure delivery
11 of less than one rad mid-breast, with two views for
12 each breast. An insurer may provide the services
13 required by this paragraph through contracts with
14 providers; provided that the contract is determined to
15 be a cost-effective means of delivering the services
16 without sacrifice of quality and meets the approval of
17 the director of health;

- 18 (5) (A) (i) Notwithstanding any provision to the
19 contrary, whenever a policy, contract, plan,
20 or agreement provides coverage for the
21 children of the insured, that coverage shall
22 also extend to the date of birth of any



1 newborn child to be adopted by the insured;
2 provided that the insured gives written
3 notice to the insurer of the insured's
4 intent to adopt the child prior to the
5 child's date of birth [~~or~~], within thirty
6 days after the child's birth, or within the
7 time period required for enrollment of a
8 natural born child under the policy,
9 contract, plan, or agreement of the insured,
10 whichever period is longer; provided further
11 that if the adoption proceedings are not
12 successful, the insured shall reimburse the
13 insurer for any expenses paid for the child;
14 and

15 (ii) Where notification has not been received by
16 the insurer prior to the child's birth or
17 within the specified period following the
18 child's birth, insurance coverage shall be
19 effective from the first day following the
20 insurer's receipt of legal notification of
21 the insured's ability to consent for



1 treatment of the infant for whom coverage is
2 sought; and

3 (B) When the insured is a member of a health
4 maintenance organization [~~HMO~~], coverage of an
5 adopted newborn is effective:

6 (i) From the date of birth of the adopted
7 newborn when the newborn is treated from
8 birth pursuant to a provider contract with
9 the health maintenance organization, and
10 written notice of enrollment in accord with
11 the health maintenance organization's usual
12 enrollment process is provided within thirty
13 days of the date the insured notifies the
14 health maintenance organization of the
15 insured's intent to adopt the infant for
16 whom coverage is sought; or

17 (ii) From the first day following receipt by the
18 health maintenance organization of written
19 notice of the insured's ability to consent
20 for treatment of the infant for whom
21 coverage is sought and enrollment of the
22 adopted newborn in accord with the health



1 maintenance organization's usual enrollment
2 process if the newborn has been treated from
3 birth by a provider not contracting or
4 affiliated with the health maintenance
5 organization; and

6 (6) Notwithstanding any provision to the contrary, any
7 policy, contract, plan, or agreement issued or renewed
8 in this State shall provide reimbursement for services
9 within the respective allowable scope of practice
10 provided by advanced practice registered nurses
11 recognized pursuant to chapter 457[-] and naturopathic
12 physicians licensed pursuant to chapter 455. Services
13 rendered by advanced practice registered nurses and
14 naturopathic physicians are subject to the same policy
15 limitations generally applicable to health care
16 providers within the policy, contract, plan, or
17 agreement."

18 SECTION 6. Section 431:10A-120, Hawaii Revised Statutes,
19 is amended to read as follows:

20 "§431:10A-120 Medical foods and low-protein modified food
21 products; treatment of inborn error of metabolism; notice. (a)

22 Each policy of accident and health or sickness insurance, other



1 than life insurance, disability income insurance, and long-term
2 care insurance, issued or renewed in this State, each employer
3 group health policy, contract, plan, or agreement issued or
4 renewed in this State, all accident and health or sickness
5 insurance policies issued or renewed in this State, all policies
6 providing family coverages as defined in section 431:10A-103,
7 and all policies providing reciprocal beneficiary family
8 coverage as defined in section 431:10A-601, shall contain a
9 provision for coverage for medical foods and low-protein
10 modified food products for the treatment of an inborn error of
11 metabolism for its policyholders or dependents of the
12 policyholder in this State; provided that the medical food or
13 low-protein modified food product is:

- 14 (1) Prescribed as medically necessary for the therapeutic
15 treatment of an inborn error of metabolism; and
16 (2) Consumed or administered enterally under the
17 supervision of a physician or osteopathic physician
18 licensed under chapter 453[-] or a naturopathic
19 physician licensed under chapter 455.

20 Coverage shall be for at least eighty per cent of the cost of
21 the medical food or low-protein modified food product prescribed
22 and administered pursuant to this subsection.



1 (b) Every insurer shall provide notice to its
2 policyholders regarding the coverage required by this section.
3 The notice shall be in writing and prominently placed in any
4 literature or correspondence sent to policyholders and shall be
5 transmitted to policyholders during calendar year 2000 when
6 annual information is made available to policyholders, or in any
7 other mailing to policyholders, but in no case later than
8 December 31, 2000.

9 (c) For the purposes of this section:

10 "Inborn error of metabolism" means a disease caused by an
11 inherited abnormality of the body chemistry of a person that is
12 characterized by deficient metabolism, originating from
13 congenital defects or defects arising shortly after birth, of
14 amino acid, organic acid, carbohydrate, or fat.

15 "Low-protein modified food product" means a food product
16 that:

- 17 (1) Is specially formulated to have less than one gram of
18 protein per serving;
- 19 (2) Is prescribed or ordered by a physician or osteopathic
20 physician, or a naturopathic physician as medically
21 necessary for the dietary treatment of an inborn error
22 of metabolism; and



1 (3) Does not include a food that is naturally low in
2 protein.

3 "Medical food" means a food that is formulated to be
4 consumed or administered enterally under the supervision of a
5 physician or osteopathic physician, or a naturopathic physician
6 and is intended for the specific dietary management of a disease
7 or condition for which distinctive nutritional requirements,
8 based on recognized scientific principles, are established by
9 medical evaluation."

10 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,
11 is amended by amending subsection (e) to read as follows:

12 "(e) For the purposes of this section, "child health
13 supervision services" means [~~physician-delivered, physician-~~
14 ~~supervised, physician assistant delivered, or nurse delivered~~
15 ~~services as defined by section 457-2 ("registered nurse")]~~
16 services supervised by a physician or osteopathic physician
17 licensed pursuant to chapter 453 or services delivered by a
18 physician or osteopathic physician licensed pursuant to chapter
19 453, a naturopathic physician licensed pursuant to chapter 455,
20 or a registered nurse licensed pursuant to chapter 457 which
21 shall include as the minimum benefit coverage for services
22 delivered at intervals and scope stated in this section."



1 SECTION 8. Section 432:1-609, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§432:1-609 Medical foods and low-protein modified food
4 products; treatment of inborn error of metabolism; notice. (a)

5 All individual and group hospital and medical service plan
6 contracts and medical service corporation contracts under this
7 chapter shall provide coverage for medical foods and low-protein
8 modified food products for the treatment of an inborn error of
9 metabolism for its members or dependents of the member in this
10 State; provided that the medical food or low-protein modified
11 food product is:

12 (1) Prescribed as medically necessary for the therapeutic
13 treatment of an inborn error of metabolism; and

14 (2) Consumed or administered enterally under the
15 supervision of a physician or osteopathic physician
16 licensed under chapter 453 [-] or a naturopathic
17 physician licensed under chapter 455.

18 Coverage shall be for at least eighty per cent of the cost of
19 the medical food or low-protein modified food product prescribed
20 and administered pursuant to this subsection.

21 (b) Every mutual benefit society shall provide notice to
22 its members regarding the coverage required by this section.



1 The notice shall be in writing and prominently placed in any
2 literature or correspondence sent to members and shall be
3 transmitted to members during calendar year 2000 when annual
4 information is made available to members, or in any other
5 mailing to members, but in no case later than December 31, 2000.

6 (c) For the purposes of this section:

7 "Inborn error of metabolism" means a disease caused by an
8 inherited abnormality of the body chemistry of a person that is
9 characterized by deficient metabolism, originating from
10 congenital defects or defects arising shortly after birth, of
11 amino acid, organic acid, carbohydrate, or fat.

12 "Low-protein modified food product" means a food product
13 that:

- 14 (1) Is specially formulated to have less than one gram of
15 protein per serving;
- 16 (2) Is prescribed or ordered by a physician or osteopathic
17 physician, or a naturopathic physician as medically
18 necessary for the dietary treatment of an inherited
19 metabolic disease; and
- 20 (3) Does not include a food that is naturally low in
21 protein.



1 "Medical food" means a food that is formulated to be
2 consumed or administered enterally under the supervision of a
3 physician or osteopathic physician, or a naturopathic physician
4 and is intended for the specific dietary management of a disease
5 or condition for which distinctive nutritional requirements,
6 based on recognized scientific principles, are established by
7 medical evaluation."

8 SECTION 9. Section 432D-1, Hawaii Revised Statutes, is
9 amended by amending the definition of "provider" to read as
10 follows:

11 "Provider" means any physician, hospital, or other person,
12 including a naturopathic physician practicing within the scope
13 of licensure, licensed or otherwise authorized to furnish health
14 care services."

15 SECTION 10. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 11. This Act shall take effect on July 1, 2011.

18

INTRODUCED BY: Randy H. Baker
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Report Title:

Naturopathic Physician; Insurance

Description:

Requires insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to provide coverage for health care services provided by a naturopathic physician.

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

