

JAN 26 2011

S.B. NO. 1506

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that childhood obesity is
2 a serious medical condition affecting the State's children and
3 adolescents. Childhood obesity often leads to health problems
4 that were once limited to adults such as diabetes, high blood
5 pressure, and high cholesterol. Childhood obesity can also lead
6 to poor self-esteem and depression. Combating childhood obesity
7 is an intelligent step towards limiting future health-related
8 costs as overweight children with health and possibly
9 psychological issues who are not treated may grow into adults
10 with chronic conditions.

11 The purpose of this Act is to enable Hawaii's health care
12 providers and insurers to recognize childhood obesity as a
13 formal diagnosis and a billable provider visit, to appropriate
14 funds to acquire and distribute obesity management instructional
15 toolkits to the State's pediatricians as recommended by the
16 American Academy of Pediatrics Hawaii Chapter, and to convene a
17 working group under the department of health to assess the root



1 causes of childhood obesity and explore the areas of nutrition
2 and preventative care.

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

6 "§431:10A- Coverage for childhood obesity. (a) Each
7 policy of accident and health or sickness insurance, other than
8 life insurance, disability income insurance, and long-term care
9 insurance, issued or renewed in this State, each employer group
10 health policy, contract, plan, or agreement issued or renewed in
11 this State, all accident and health or sickness insurance
12 policies issued or renewed in this State, all policies providing
13 family coverages as defined in section 431:10A-103, and all
14 policies providing reciprocal beneficiary family coverage as
15 defined in section 431:10A-601, shall contain a provision for
16 coverage for the treatment of childhood obesity for its
17 policyholders or dependents of the policyholders in this State.

18 (b) Every insurer shall provide notice to its
19 policyholders regarding the coverage required by this section.
20 The notice shall be in writing and prominently placed in any
21 literature or correspondence sent to policyholders and shall be
22 transmitted to policyholders during the 2012 calendar year when



1 annual information is made available to policyholders, or in any
2 other mailing to policyholders, but in no case later than
3 December 31, 2012.

4 (c) For the purposes of this section:

5 "Childhood obesity" means the condition when a person under
6 eighteen years of age has a body mass index in the ninety-fifth
7 percentile or above for that person's age; provided that other
8 factors such as whether the person has a larger than average
9 body frame or is more muscular than average shall be considered
10 by the physician diagnosing the condition."

11 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
12 amended by adding a new section to article 1 to be appropriately
13 designated and to read as follows:

14 "§432:1- Coverage for childhood obesity. (a) All
15 individual and group hospital and medical service corporation
16 contracts that provide coverage for the children of the
17 subscriber shall provide coverage for the treatment of childhood
18 obesity for its policyholders or dependents of the policyholders
19 in this State.

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

22 The notice shall be in writing and prominently placed in any



1 literature or correspondence sent to members and shall be
2 transmitted to members during the 2012 calendar year when annual
3 information is made available to members, or in any other
4 mailing to members, but in no case later than December 31, 2012.

5 (c) For the purposes of this section:

6 "Childhood obesity" means the condition when a person under
7 eighteen years of age has a body mass index in the ninety-fifth
8 percentile or above for that person's age; provided that other
9 factors such as whether the person has a larger than average
10 body frame or is more muscular than average shall be considered
11 by the physician diagnosing the condition."

12 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
13 amended by adding a new section to article 2 to be appropriately
14 designated and to read as follows:

15 "§432:2- Coverage for childhood obesity. (a) All
16 individual and group hospital and medical service corporation
17 contracts that provide coverage for the children of the
18 subscriber shall provide coverage for the treatment of childhood
19 obesity for its policyholders or dependents of the policyholders
20 in this State.

21 (b) Every fraternal benefit society shall provide notice
22 to 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 the 2012 calendar year 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, 2012.

6 (c) For the purposes of this section:

7 "Childhood Obesity" means the condition when a person under
8 eighteen years of age has a body mass index in the ninety-fifth
9 percentile or above for that person's age; provided that other
10 factors such as whether the person has a larger than average
11 body frame or is more muscular than average shall be considered
12 by the physician diagnosing the condition."

13 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§432D-23 Required provisions and benefits.**

16 Notwithstanding any provision of law to the contrary, each
17 policy, contract, plan, or agreement issued in the State after
18 January 1, 1995, by health maintenance organizations pursuant to
19 this chapter, shall include benefits provided in sections
20 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
21 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,



1 431:10A-121, 431:10A-125, 431:10A-126, [~~and~~] 431:10A-122, and
2 431:10A- , and chapter 431M."

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2011-2012 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2012-2013 for the distribution of childhood obesity
8 management instructional toolkits to the State's pediatricians.

9 The sums appropriated shall be expended by the department
10 of health for the purposes of this Act.

11 SECTION 7. (a) The director of health shall convene a
12 working group to identify and assess the root causes of
13 childhood obesity in Hawaii and determine practical and
14 effective preventative and nutritional means to address the
15 causes. The working group shall be composed of:

- 16 (1) The director of health, or the director's designee;
- 17 (2) The director of human services, or the director's
18 designee;
- 19 (3) The insurance commissioner;
- 20 (4) A pediatrician;
- 21 (5) A dietician or nutritionist;
- 22 (6) A doctor of internal medicine;



1 (7) A psychiatrist;

2 (8) A psychologist; and

3 (9) A registered nurse.

4 (b) The working group shall serve without compensation and
5 shall receive no reimbursements for expenses.

6 (c) The department of health shall provide administrative
7 support for the working group.

8 SECTION 8. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 9. This Act shall take effect on July 1, 2011.

11

INTRODUCED BY: John M. AD



Report Title:

Health; Childhood Obesity; Appropriation

Description:

Requires insurers to cover childhood obesity as a billable provider visit. Appropriates funds for the distribution of childhood obesity management instructional toolkits to the State's pediatricians. Forms a working group under the department of health to assess the root cause of childhood obesity and explore the areas of nutrition and preventative care.

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