

MAR 15 2011

SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY.

1 WHEREAS, the Legislature finds that insurance plans,
2 contracts, and policies in the State of Hawaii are not required
3 to include coverage for tobacco cessation methods; and
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5 WHEREAS, the Legislature finds that there is no requirement
6 that insurers cover comprehensive tobacco-dependence treatment
7 recommended by the United States Public Health Service for
8 beneficiaries in the State of Hawaii; and
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10 WHEREAS, the United States Department of Health and Human
11 Services indicates that counseling and pharmacotherapy increase
12 the chances of successfully quitting smoking, especially when
13 compared to unassisted attempts, and that about 95 percent of
14 people who try to stop smoking without pharmacological aid will
15 relapse or continue to smoke within one year of an attempt to
16 stop using tobacco; and
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18 WHEREAS, more than half of current smokers in Hawaii tried
19 quitting smoking in 2009 and more than 87 percent of adult
20 smokers plan to quit smoking according to the Department of
21 Health; and
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23 WHEREAS, the Campaign for Tobacco-Free Kids indicates that
24 annual health care costs of \$336,000,000 in Hawaii are directly
25 caused by smoking of which \$117,000,000 is paid for by the State
26 Medicaid program; and



1 WHEREAS, an actuarial study conducted by Milliman, Inc.
2 found that each employee or dependent who quits smoking reduces
3 annual medical and life insurance costs by at least \$210 almost
4 immediately; and

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6 WHEREAS, the State of Massachusetts saw significant health
7 improvements after two years of providing United States Food and
8 Drug Administration-approved pharmacotherapies and counseling to
9 Medicaid beneficiaries, including 33,000 less smokers and a
10 reduction in the number of hospitalizations for heart attack,
11 emergency room visits for asthma, and claims for maternal birth
12 complications; and

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14 WHEREAS, the Legislature also finds that because of the
15 numerous health risks associated with smoking and tobacco use,
16 including lung disease, heart disease, cancers, and other health
17 problems, there is a definite and tangible health benefit that
18 will result from having less tobacco users in Hawaii; and

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20 WHEREAS, it is in the State's interest to assist tobacco
21 users in addressing their tobacco dependence by ensuring that
22 tobacco cessation and tobacco dependence treatment services are
23 available to as many people as possible, including beneficiaries
24 of health insurance; and

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26 WHEREAS, such a tangible health benefit translates to
27 financial benefits in prevented deaths, surgeries avoided, and
28 other financial savings due to costly health procedures averted
29 by keeping the population in good health; and

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31 WHEREAS, mandated coverage for tobacco cessation would
32 enable the prevention of a myriad of health problems related to
33 tobacco use; and

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35 WHEREAS, mandatory coverage for tobacco cessation should
36 also require individual and group hospital and medical service
37 contracts that provide health care coverage to provide coverage
38 that requires no co-payment for tobacco cessation claims by
39 using methods such as the following:

- 40
41 (1) Telephone, individual and group counseling, and
42 intervention sessions; and



1 (2) Prescription coverage for all nicotine replacement
2 products and tobacco cessation medications approved by
3 the United States Food and Drug Administration and as
4 recommended by the United States Public Health Service
5 Guideline, Treating Tobacco Use and Dependence;

6
7 and

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9 WHEREAS, mandatory coverage for tobacco cessation should
10 not have barriers that impede obtaining service; thus, there
11 should be no requirement for prior authorization, no annual or
12 lifetime limits on cessation attempts or costs, no limits on
13 treatment duration, no requirements that medication and
14 counseling be used together, and no requirements that less
15 costly medications be used before other medications will be
16 covered; and

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18 WHEREAS, health plans in Hawaii should be required to
19 promote the provision of such tobacco cessation benefits to
20 their members; and

21
22 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
23 that:

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25 "[b]efore any legislative measure that mandates health
26 insurance coverage for specific health services, specific
27 diseases, or certain providers of health care services as part
28 of individual or group health insurance policies, can be
29 considered, there shall be Concurrent Resolutions passed
30 requesting the auditor to prepare and submit to the legislature
31 a report that assesses both the social and financial effects of
32 the proposed mandated coverage";

33
34 and

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36 WHEREAS, section 23-51, Hawaii Revised Statutes, further
37 provides that:

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39 "[t]he Concurrent Resolution shall designate a specific
40 legislative bill that:



- 1 (1) Has been introduced in the legislature; and
- 2 (2) Includes, at minimum, information identifying the:
 - 3 (A) Specific health service, disease, or provider
 - 4 that would be covered;
 - 5 (B) Extent of the coverage;
 - 6 (C) Target groups that would be covered;
 - 7 (D) Limits on utilization, if any; and
 - 8 (E) Standards of care.

9 For purposes of this part, mandated health insurance
10 coverage shall not include mandated optional";

11
12 and

13
14 WHEREAS, section 23-52, Hawaii Revised Statutes, further
15 specifies the minimum information required for assessing the
16 social and financial impact of the proposed health coverage
17 mandate in the Auditor's report; and

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19 WHEREAS, H.B. No. 1443 (2011) and S.B. No. 1452 (2011)
20 mandates that health insurers provide coverage for tobacco
21 cessation, effective July 1, 2011; now, therefore,

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23 BE IT RESOLVED by the Senate of the Twenty-sixth
24 Legislature of the State of Hawaii, Regular Session of 2011, the
25 House of Representatives concurring, that the Auditor is
26 requested to conduct an impact assessment report, pursuant to
27 sections 23-51 and 23-52, Hawaii Revised Statutes, of the social
28 and financial impact of mandating health insurance coverage for
29 tobacco cessation; and

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31 BE IT FURTHER RESOLVED that the Auditor is requested to
32 report findings and recommendations to the Legislature no later
33 than 20 days prior to the convening of the Regular Session of
34 2012; and

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36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to the Auditor, the
38 Insurance Commissioner, who, in turn, is requested to transmit



