

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Julie Iezzi

Occupation: Associate Professor, UHM

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am **strongly opposed** to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawaii should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

The Administration has inaccurately described H.B. 1047 as providing "uniform standards for external review procedures." In fact, more than a quarter of a million people who now have the right to external review under H.R.S. § 432E-6 will lose it. Nearly half of Hawaii's population will have to use various other forms of external review.

Under the H.B. 1047 proposed review, the process is far more complex (you have only to compare the length of our existing law, H.R.S. § 432E-6 with H.B. 1047 to see how much more complex it will be), and, ironically, health care consumers will have a lot less help. H.B. 1047 simply cannot be seen as anything more than a huge favor for insurers. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote "No" on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai'i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Address: 2340 Kuahea St. Honolulu, HI 96816

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Nicolette Giasolli  
Occupation: Realtor Associate

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

I am strongly opposed to House Bill 1047 (and the companion Senate Bill 1274).

Consumer protection is important in Hawai'i and our state has been a leader in regard to health care. House Bill 1047 (and the companion Senate Bill 1274) will do unjustifiable and irreversible damage to health care consumer protection in Hawai'i.

H.R.S. § 432E-6 has served health care consumers well for over 10 years now. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawai'i's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawai'i should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

The Administration has inaccurately described H.B. 1047 as providing "uniform standards for external review procedures." In fact, more than a quarter of a million people who now have the right to external review under H.R.S. § 432E-6 will lose it. Nearly half of Hawaii's population will have to use various other forms of external review.

Under the H.B. 1047 proposed review, the process is far more complex (you have only to compare the length of our existing law, H.R.S. § 432E-6 with H.B. 1047 to see how much more complex it will be), and, ironically, health care consumers will have a lot less help. H.B. 1047 simply cannot be seen as anything more than a huge favor for insurers. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote "No" on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai'i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.  
Nicolette Giasolli

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Vincent Giasolli

Occupation: Information Technology Department at the University of Hawaii

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Hawai'i is a state known for its strong consumer protection in regard to health care. House Bill 1047 (and the companion Senate Bill 1274) will do unjustifiable and irreversible damage to health care consumer protection in Hawai'i.

For this reason, I am **strongly opposed** to these bills.

Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawai'i's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

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# LATE TESTIMONY

Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Vincent Giasolli



**LATE TESTIMONY**

94-450 Mokuola Street, Suite 106, Waipahu, HI 96767  
808.675.7300 | www.ohanahealthplan.com

Friday, February 4, 2011

To: The Honorable Ryan I. Yamane  
Chair, House Committee on Health

From: 'Ohana Health Plan

Re: House Bill 1047-Relating to Health Insurance

Hearing: Friday, February 4, 2011, 9:00 a.m.  
Hawai'i State Capitol, Room 329

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Since February 2009, 'Ohana Health Plan has provided services under the Hawai'i QUEST Expanded Access (QExA) program. 'Ohana is managed by a local team of experienced care professionals who embrace cultural diversity, advocate preventative care and facilitate communications between members and providers. Our philosophy is to place members and their families at the center of the health care continuum.

'Ohana Health Plan is offered by WellCare Health Insurance of Arizona, Inc. WellCare provides managed care services exclusively for government-sponsored health care programs serving approximately 2.3 million Medicaid and Medicare members nationwide. 'Ohana has utilized WellCare's national experience to develop an 'Ohana care model that addresses local members' healthcare and health coordination needs.

We appreciate this opportunity to submit testimony in support of House Bill 1047-Relating to Health Insurance.

This bill seeks to update Hawai'i's insurance laws to conform to the requirements relating to external medical reviews as established under the Patient Protection and Affordable Care Act of 2010 (ACA), also known as National Healthcare Reform, and is based on the National Association of Insurance Commissioners (NAIC)'s Uniform Health Carrier External Review Model Act. Passage of this bill will provide a uniform and consistent external review procedure and will make the insurance statutes governing the external review of adverse determinations by health plans consistent and available to enrollees, while reducing confusion and inefficiencies in implementing Hawaii law.

The external review process, through an independent review organization (IRO) is very clearly laid out in the bill and ensures the protection of rights for plan enrollees, while balancing the necessity of proper and timely medical treatment. According to this bill, the IRO shall be comprised of physicians or other health care professionals who meet the minimum qualifications described in 432E- C and, through clinical experience in the past three years, are experts in the treatment of the enrollee's condition and knowledgeable about the recommended or requested health care service or treatment.

# LATE TESTIMONY

Additionally, neither the enrollee, the enrollee's authorized representative, if applicable, nor the health carrier shall choose or control the choice of the physicians or other health care professionals to be selected to conduct the external review and in reaching an opinion, clinical reviewers are not bound by any decisions or conclusions reached during the health carrier's utilization review process or internal appeals process, thus preserving the integrity of the medical decisions being made in the best interest of the patient.

To ensure timely accessibility and transparency the IRO is required, under this bill to maintain a toll-free telephone service to receive information on a twenty-four-hour-day, seven-day-a-week basis related to external reviews that is capable of accepting, recording or providing appropriate instruction to incoming telephone callers during other than normal business hours, and must agree to maintain and provide to the commissioner the information required by this part.

To further protect impartiality, under this proposal an IRO may also not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with a health benefit plan, a national, state or local trade association of health benefit plans, or a national, state or local trade association of health care providers, nor have a material professional, familial or financial conflict of interest with any of the health carriers that is the subject of the external review, the covered person whose treatment is the subject of the external review or the covered person's authorized representative, any officer, director, or management employee of the health carrier that is the subject of the external review, the health care provider, the health care provider's medical group, or independent practice association recommending the health care service or treatment that is the subject of the external review, the facility at which the recommended health care service or treatment would be provided, or the developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

The process and procedures laid out under this bill are fair and strike the necessary balance to best ensure patient protection and timely access to medical treatment and supplies. More importantly, passage of this measure is necessary in order to conform Hawaii's insurance laws to provisions of ACA.

Thank you for the opportunity to provide these comments in support of House Bill 1047-Relating to Health Insurance.



# LATE TESTIMONY

HB1047

HLT

Friday, February 4, 2011

9:00 a.m.

Room 329

Hawaii's Voice for a Better Future

COMMITTEE ON HEALTH  
Rep. Ryan I. Yamane, Chair  
Rep. Dee Morikawa, Vice Chair

February 4, 2011

**Re: HB1047 — Relating to Health Insurance**

## In Opposition

Representative Yamane, Representative Morikawa, and members of the Committee:

You have heard other testimony on this bill and so I need not repeat that this measure would gut the external review process by leaving the determination of medical necessity in the hands of the health insurers. The current provisions of the Patients' Bill of Rights and Responsibilities should be left as-is to continue to protect patients rights. The medical necessity standard is there for good reasons.

Let me be blunt. If this bill passes, legislators will be cutting their own throats. Should you or your family need some life-saving treatment and your health insurance company thinks otherwise, you will lose the right to have the decision reviewed. You could end up dead. I am not exaggerating. Some of the cases that come up for external review involve life and death.

**Kokua Council joined with other organizations in originally fighting for passage of the Patients' Bill of Rights and Responsibilities. Hawaii has taken a leadership position on healthcare largely as a result of this forward-looking legislation. We do not want to see its protections removed.**

**Kokua Council urges the Committee to reject these changes. If for no other reason, think about what you are taking away from yourselves, your spouses and children.**

Larry Geller

President, Kokua Council

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. "We embrace diversity and extend a special invitation to any senior or intergenerational minded individual interested in advocating for these important issues in Hawaii."

*Rafael del Castillo*

*Attorney at Law*

**LATE TESTIMONY**

**TESTIMONY IN OPPOSITION TO H.B. 1047**

From: Rafael del Castillo  
Attorney at Law  
Personal testimony, not on behalf of any client or organization

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov)

Faxed to: 586-6281(for Oahu) or 1-800-535-3859 (for Neighbor Islanders)

Thank you for the opportunity to testify IN OPPOSITION to this injurious bill which repeals an essential provision of the Patients Bill of Rights and Responsibilities. I feel certain that the external review provision, H.R.S. § 432E-6, which H.B. 1047 repeals, is a private attorney general statute by which the State of Hawai`i has been able to implement important consumer protections and public policy with minimal cost because it relies on private counsel and is not financed by appropriations

The Administration's legislation, the companion bill for which was introduced as S.B. 1274, is substantially injurious to patient rights, a giant step backwards in Hawai`i's nation leading health care consumer rights public policies, and incapable of achieving the justification the Administration has offered. I expect the Legislature to hear from very concerned health care consumers across the State as long as these bills are under consideration, and I will be presenting this Committee at the hearing with the signatures of hundreds of consumers who urge you to oppose H.B. 1047. H.B. 1047 should not make it out of this Committee.

Full disclosure: External review cases have comprised a portion of my practice for the past ten years and I have several cases in the process at the present time. On account of the fee shifting provision, H.R.S. § 432E-6(e), the Commissioner has awarded my firm fees and costs. We have reinvested those proceeds in patient advocacy, assisting patients with internal appeals which, if successful, eliminate the need for an external review. Through that advocacy, which is a product of the private-attorney-general design, we have been able to successfully settle at least twice as many cases as we have presented to an external review panel over the past decade. If H.R.S. § 432E-6 is repealed, that advocacy will no longer be funded and we will have to discontinue it.

The external review has proved over and over again that health plans do not conduct proper reviews before denying benefits and denying appeals of those denials. I will be providing the Committee, at the hearing, with a notebook containing copies of the decisions we have received over the years, highlighted to identify the Commissioner's findings which illustrate that plans

289 Kawaihae Street

No. 222

Honolulu, Hawai`i 96825

Phone: (808) 782-1262/(808) 660-1033

Fax: (866) 528-8371

Email Rafael: [rafa@hawaii.rr.com](mailto:rafa@hawaii.rr.com)



# LATE TESTIMONY

have, over and over again, failed to apply Hawaii's medical necessity criteria, codified at H.R.S. § 432E-1.4.

Hawaii's medical necessity criteria provide Hawaii consumers and their health care plans, in my opinion, with the best and most objective measure conceived anywhere in the nation. That section of the law was two years in the making. It was formulated by a task force the Legislature tasked with determining ways of implementing the Patients Bill of Rights and Responsibilities in the most effective fashion to achieve its public policy. Hawaii's leading health plans were well represented on that task force, which unanimously recommended the measure to the Legislature in 2000, and it was enacted without modification. In particular, the plans gave up resort to denying medical services recommended by a treating health care provider on the basis that the procedure or therapy was "experimental."

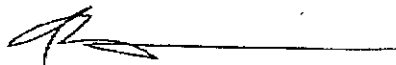
Nonetheless, today I receive numerous complaints that the plans are continuing to resort to that basis for denying recommended services. The most disturbing matter, however, is the fact that in most of the decisions the plan has been criticized for failing to consider medical records, other evidence available including medical literature, and for failing to properly apply the medical necessity criteria. In other words, over and over again the plan's decision has been arbitrary. That is the greatest danger of relegating patients to the very complex IRO process contemplated under H.B. 1047, in particular when they have no assistance from a competent advocate, and no right to appeal their case to the courts.

Probably the most alarming aspect of H.B. 1047, however, is the fact that over a half million of Hawaii's citizens will not have the right to the external review that measure proposes because they are eliminated from it on its face. There is nothing we can do about the fact that Medicare and FEBA beneficiaries cannot utilize Hawaii's review, but we can ensure that our Medicaid patients continue to have that right and are not segregated and treated differently from their cohorts in commercial coverage. As the foregoing demonstrates, the justification offered for H.B. 1047 is simply not believable, that it will establish a "uniform" review.

In fact, more uniformity can be achieved far more simply. Under Federal health care reform, the Commissioner has the power to compel E.R.I.S.A. plans to comply with the proposed bill if it became law. For that reason, the Commissioner has the power now to compel the E.R.I.S.A. plans to comply with our present, existing external review in H.R.S. § 432E-6. If uniformity is a good, then we should have it now without this injurious legislation.

Thank you for the opportunity to express my strong opposition to this measure. I apologize that I have not had sufficient time to commit all of my comments, based on many years of experience with patient advocacy, to this testimony. I will provide further information in person, to the Senate on S.B. 1274, and, if this bill makes it out of this Committee, in subsequent hearings.

Very truly yours,



Rafael del Castillo

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

Form: Arden Delos Santos

Occupation: Hotel Maintenance

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am **strongly opposed** to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawaii should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

I have been through the external review twice for my daughter, Audrey Delos Santos, due to her nursing hours being reduced to 70 or less hours a week. Audrey Delos Santos is a 7 year old female who has anoxic brain damage, sleep disturbance, esophageal reflux, chronic nonspecific lung disease, cerebral palsy, seizure disorder, spastic quadriplegia, respiratory distress, and many more diagnoses. She requires 24 hour nursing care. Her health insurance company is reducing her nursing hours to get profit over her care. I don't know what would have happened to my daughter's nursing hours without the external review. Having the right to appeal a decision to the circuit court is a very important right for anyone, and has been crucial to the well-being of my child and family.

Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Arden Delos Santos

Address: 2116 Ehu Pl. Lihue, HI, 96766  
Telephone Number: (808)647-0098

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 6:18 PM  
**To:** HLTtestimony  
**Cc:** Onyx\_Rose@hotmail.com  
**Subject:** Testimony for HB1047 on 2/4/2011 9:00:00 AM

Testimony for HLT 2/4/2011 9:00:00 AM HB1047

Conference room: 329  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dana Nolen  
Organization: Individual  
Address: po box 1780 Kapaa, HI  
Phone: 808-212-6060  
E-mail: [Onyx\\_Rose@hotmail.com](mailto:Onyx_Rose@hotmail.com)  
Submitted on: 2/3/2011

Comments:

As I understand it, this bill will move external reviews to the mainland that were previously heard here in the Islands. Where before, a patient could present his views regarding his healthcare in person, the need to travel at great cost and in many cases, great medical risk may place many patients at a severe disadvantage. Also, where legal representation is provided by the insurance company for the patients to advise and assist them with legal proceedings, this bill will place this financial burden upon patients who already feel wronged, and again, could cause a severe disadvantage. In many cases, these disadvantages may become insurmountable, effectively silencing a patient's ability to represent himself in the decision-making process. Furthermore, the bill denies a patient the right to appeal the decisions of such an unfairly biased group. This, in some cases, is tantamount to a death sentence without the right of appeal. I don't see how this burden can be justified, and call on anyone who will listen, to remember that at any time you may become a patient in just such a predicament. While I can see how this will reduce healthcare costs, the costs in human suffering will be beyond measure and be a blight on the humanity of anyone who could support such a bill. I ask that you please defeat this bill. There has got to be more humane ways of cutting healthcare costs. thank you for your consideration-----Dana

**morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 2:57 PM  
**To:** HLTtestimony  
**Cc:** jteleia@yahoo.com  
**Subject:** Testimony for HB1047 on 2/4/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for HLT 2/4/2011 9:00:00 AM HB1047

Conference room: 329  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Jeanne Teleia  
Organization: Individual  
Address:  
Phone: 808-224-5008  
E-mail: [jteleia@yahoo.com](mailto:jteleia@yahoo.com)  
Submitted on: 2/3/2011

**Comments:**

I am strongly opposed to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote "No" on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai'i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.

**From:** Elizabeth Fisher [efisher@hawaii.edu]  
**Sent:** Thursday, February 03, 2011 3:06 PM  
**To:** HLTtestimony  
**Subject:** NO on HB 1047

## LATE TESTIMONY

### TESTIMONY IN OPPOSITION TO H.B. 1047

**From:** Dr. Elizabeth Fisher

**Occupation:** Professor

**To:** House Committee on Health,

Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

**Hearing:** February 4, 2011, 9:00 a.m., Conference Room 329

**Emailed to:** [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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Under the H.B. 1047 proposed review, the process is far more complex (you have only to compare the length of our existing law, H.R.S. § 432E-6 with H.B. 1047 to see how much more complex it will be), and, ironically, health care consumers will have a lot less help. H.B. 1047 simply cannot be seen as anything more than a huge favor for insurers. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote “No” on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai’i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.

Sincerely,  
Elizabeth Fisher

**LATE TESTIMONY**

**From:** Kathleen Elliott [kathleen.elliott808@gmail.com]  
**Sent:** Thursday, February 03, 2011 3:15 PM  
**To:** HLTtestimony  
**Subject:** Oppose House Bill 1047/Senate Bill 1274

## **LATE TESTIMONY**

TESTIMONY IN OPPOSITION TO H.B. 1047

From: Kathleen Elliott  
2045 Alaeloa St  
Honolulu, HI 96821  
808-732-9971

Occupation: RN and PA, physician assistant

To:

House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

February 4, 2011, 9:00 a.m., Conference Room 329

Hearing:

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inestimable number of Hawai`i citizens when they are sick and need our wholehearted support.  
Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,  
Kathleen Elliott, RN, PA-C  
808-732-9971

**LATE TESTIMONY**



From: Carol Egan [eganc001@hawaii.rr.com]  
Sent: Thursday, February 03, 2011 4:19 PM  
To: HLTtestimony  
Subject: HB 1047

## LATE TESTIMONY

### TESTIMONY IN OPPOSITION TO H.B. 1047

From: Carol Egan

Occupation: Retired teacher

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am **strongly opposed** to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawaii should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

The Administration has inaccurately described H.B. 1047 as providing “uniform standards for external review procedures.” In fact, more than a quarter of a million people who now have the right to external review under H.R.S. § 432E-6 will lose it. Nearly half of Hawaii’s population will have to use various other forms of external review.

Under the H.B. 1047 proposed review, the process is far more complex (you have only to compare the length of our existing law, H.R.S. § 432E-6 with H.B. 1047 to see how much more complex it will be), and, ironically, health care consumers will have a lot less help. H.B. 1047 simply cannot be seen as anything more than a huge favor for insurers. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote “No” on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai’i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Carol Egan

**LATE TESTIMONY**

Address: 344 Iliaina Street, Kailua, HI 96734

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Janice P. Kim

Occupation: Attorney for Claimants

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTestimony@Capitol.hawaii.gov](mailto:HLTestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am **strongly opposed** to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

I wish to add to this letter my own experience in watching a hearing for a young man when HMSA denied him a life saving bone marrow transplant.

I was asked to observe an external review case in order to determine if I would be willing to take on these cases. This was a case for a young man denied a bone marrow transplant that could only be done at the City of Hope. It was his last chance to live. HMSA denied him the transplant - it was the last treatment that could provide him with a cure - so HMSA gave him a death sentence. The lawyers doing this work had less than a week to get their case together - review hundreds of medical records of his prior treatment - talk to his doctors to find out why this treatment was the best for him - they found out that a peer reviewed medical article existed that showed that this treatment was the "gold standard" for treatment of the young man's cancer and because of his young age he was a prime candidate. All other treatment regimes had been exhausted. The hearing started in the afternoon on a Friday. The young man and his wife attended, the States three independent reviewers, HMSA's two lawyers, HMSA's medical expert attended in person and the two lawyers for the young man and his wife. The reviewers listened to the testimony of young man's doctors called to testify by phone by the young man's lawyers (how could the young man have afforded to pay to have his doctors personally present) even the phone calls were no easy feat for his lawyers to get busy doctors on the phone to testify. The young man's lawyers also called to the mainland doctors at the City of Hope - and it turned out in the cross examination by one of the two lawyers there for HMSA - that the City of Hope doctor told the panel he had a conversation with an HMSA "representative" that told him not to

## LATE TESTIMONY

bother sending records - that it would make no difference to the determination AND in fact, the records this doctor would have submitted would have probably changed HMSA's decision. The lawyer for HMSA asked for clarification as the mainland doctor practically screamed at her that he had tried to send the information to HMSA. HMSA's lawyer at least had the decency to say what happened was abominable. HMSA called its expert witness who testified ably and in person. HMSA could afford that. The hearing went late - till about 6:30 pm and after that the independent panel left to deliberate and we left too. At around 8:30, while at a UH Women's Volleyball Game I got the call that the panel had reversed HMSA's denial and approved the young man's bone marrow transplant. The young man and his wife were scheduled to be on a plane that night for the City of Hope.

When I watched that hearing I understood the huge effort that this man's lawyers had made. They had to scramble so fast and hard to get prepared. It was work that could only be done by these two lawyers because one was a doctor as well as a lawyer. I realized I could never do this work. In the end I could see how lucky this young man was to have found these lawyers. This man was pale throughout the hearing, his wife barely able to keep from crying, the stress on their faces and bodies was so apparent. They were exhausted by this effort. These group of bills describe a process so cumbersome that no sick person or his family is going to be able to go through it and the fee shift is abominable. Is HMSA really going to take a dying man's money to pay for their lawyers and experts. They got the premium - they made the rules on the co pay - enough. I have looked at other cases since then and all of the denials are brutal - a family slowly but surely denied trained medical and respite care for a sick, disabled child who actually got sicker and sicker because HMSA wouldn't pay for the trained helpers to come and clear out airways and provide other care. The sickest, most stressed and neediest among us will suffer and may die from this legislation...or worse will choose death because their lives would have been made so difficult that its the only way out...that's abominable.

Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawaii should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

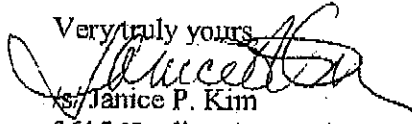
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# LATE TESTIMONY

oppose H.B. 1047. Vote "No" on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai'i citizens when they are sick and need our wholehearted support. Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,



Janice P. Kim

3615 Harding Ave. Suite 206  
Honolulu, HI 96816

TESTIMONY IN OPPOSITION TO H.B. 1047

From:

Barbara Zdonich**LATE TESTIMONY**

Occupation:

Bar tender

To:

House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: <http://Hearings.Capitol.hawaii.gov> or faxed to: 586-6281 or 1-800-535-3859

I am strongly opposed to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

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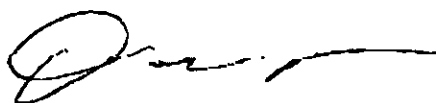
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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Address:



931 Niulani St

H222 HI 96746

**LATE TESTIMONY****TESTIMONY IN OPPOSITION TO H.B. 1047**From: Betty Jean BaldwinOccupation: retiredTo: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [DLTestimony@Capitol.hawaii.gov](mailto:DLTestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am **strongly opposed** to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Address: 6444 Ahike Dr.  
Kapaa, HI. 96746

**TESTIMONY IN OPPOSITION TO H.B. 1047**

**LATE TESTIMONY**

From: Elizabeth Medeiros

Occupation: Cashier Clerk

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [\(\[email address\]\)@hawaii.gov](mailto:([email address])@hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am strongly opposed to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Address:

P.O. Box 510222  
KEAUA, HI 96731  
- Elizabeth Medeiros



**LATE TESTIMONY****TESTIMONY IN OPPOSITION TO H.B. 1047**

From:

Joanna Uego

Occupation:

Store Clerk

To:

House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [Joanna.Uego@capital.hawaii.gov](mailto:Joanna.Uego@capital.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

I am strongly opposed to House Bill 1047 (and the companion Senate Bill 1274), which will unjustifiably and irreversibly damage health care consumer protection in Hawaii. Our external review law, H.R.S. § 432E-6, has served health care consumers well for over a decade. It gives health care consumers a more level playing field against powerful insurance companies. Consumers have access to experienced advocates to assist them with preparing and presenting their cases in a manner consistent with Hawaii's medical necessity law. Decisions are made by a local expert panel, and consumers are able to present expert testimony and other evidence in a fair, but efficient, hearing process.

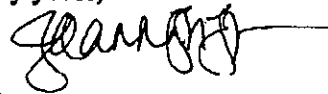
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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,



Address:

4110 Makalooa St.  
Kapaa, HI 96746

**LATE TESTIMONY****TESTIMONY IN OPPOSITION TO H.B. 1047**

From:

Candace Nakamura

Occupation:

Clerk - Typist II

To:

House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [PublicTestimony@Capitol.Hawaii.gov](mailto:PublicTestimony@Capitol.Hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Candace NakamuraAddress: 4579 Hanaalei RoadKapaa, Hawaii 96746

**LATE TESTIMONY****TESTIMONY IN OPPOSITION TO H.B. 1047**

From: NANCY NAKAHISIA

Occupation: STORE CLERK

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HI\\_Testimony@Capitol.Hawaii.gov](mailto:HI_Testimony@Capitol.Hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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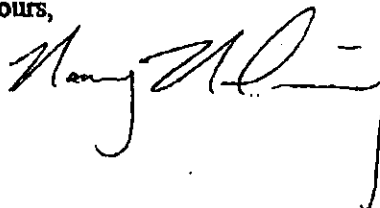
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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,



Address: 4579 HAWAIIA RD.

KAPAA HI, 96746

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Kristi Gordon

Occupation: State Clerk

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HJ\\_Testimony@Capitol.hawaii.gov](mailto:HJ_Testimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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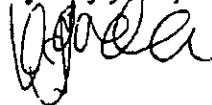
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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,



Address:

6024 Kapahi Rd  
Kapaa HI 96746

# LATE TESTIMONY

## TESTIMONY IN OPPOSITION TO H.B. 1047

From: Kevin Glick  
 Occupation: Pharmacist + Owner x 30 years  
 To: House Committee on Health,  
 Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair  
 Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTestimony@Capitol.hawaii.gov](mailto:HLTestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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Instead of repealing our existing external review statute, it should be expanded to include ERISA plan members now that the health care reform act has made that possible. The Insurance Commissioner should be directed to require ERISA plans to make our existing external review available to their members. (If the Commissioner can order ERISA plans to use the outsource review process proposed in H.B. 1047, he can order them to use our existing process.) Decisions on health care in Hawaii should be made in Hawai'i, not outsourced to mainland doctors who are not in touch with our values, our culture, and our people.

The Administration has inaccurately described H.B. 1047 as providing "uniform standards for external review procedures." In fact, more than a quarter of a million people who now have the right to external review under H.R.S. § 432E-6 will lose it. Nearly half of Hawaii's population will have to use various other forms of external review.

Under the H.B. 1047 proposed review, the process is far more complex (you have only to compare the length of our existing law, H.R.S. § 432E-6 with H.B. 1047 to see how much more complex it will be), and, ironically, health care consumers will have a lot less help. H.B. 1047 simply cannot be seen as anything more than a huge favor for insurers. I want you to know that I consider this a VERY IMPORTANT issue, and I ask you to heed the voices of those of us who oppose H.B. 1047. Vote "No" on H.B. 1047 because of the irreversible damage it will do to an inestimable number of Hawai'i citizens when they are sick and need our wholehearted support.

Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

Address:



I see the results of denial  
 + delay of care daily. Don't  
 take this protection away!

**TESTIMONY IN OPPOSITION TO H.B. 1047**

**LATE TESTIMONY**

From: Annika Seavey  
Occupation: Senior Media Planner

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dec Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: HLTestimony@Capitol.hawaii.gov or faxed to: 586-6281 or 1-800-535-3859

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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,

*Annika Seavey* *Annika Seavey*

Address: 44-096 Ikealani Ln. #811  
Kaneohe, HI  
96744

TESTIMONY IN OPPOSITION TO H.B. 1047

From: SAMANTHA PASCO

Occupation: UNEMPLOYED

LATE TESTIMONY

To: House Committee on Health,  
Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

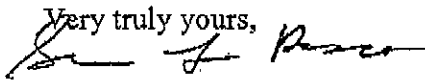
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Thank you for the opportunity to express my strong opposition to this measure.

Very truly yours,  


Address: 2144 CALIFORNIA AVE  
WAIHANA, HI 96786

TESTIMONY IN OPPOSITION TO H.B. 1047

From: Maudean Dama  
 Occupation: MWR (Kids on site)

**LATE TESTIMONY**

To: House Committee on Health,  
 Hon. Ryan I. Yamane Chair, Hon. Dee Morikawa, Vice Chair

Hearing: February 4, 2011, 9:00 a.m., Conference Room 329

Emailed to: [HLTtestimony@Capitol.hawaii.gov](mailto:HLTtestimony@Capitol.hawaii.gov) or faxed to: 586-6281 or 1-800-535-3859

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Very truly yours,

*Maudean Dama*

Address: 95-184 Ihuku Pl.

Mililani HI 96789