
A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

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

1 SECTION 1. The purpose of this Act is to temporarily
2 suspend the mandatory coverage of certain benefits in health
3 insurance policies and contracts offered in the State.

4 This Act is intended to temporarily reduce or moderate
5 health insurance premium costs to policyholders, especially
6 employers providing group health care coverage for employees.
7 The legislature finds that the State's economic recovery from
8 the Great Recession has not been robust.

9 Promoting the economic recovery is necessary to maintain
10 and increase employment levels in the State.

11 Reducing or moderating health insurance premium costs for
12 employers would enable employers to use the savings productively
13 by retaining existing workers, employing new workers, paying
14 higher wages, or investing in their businesses, all to the
15 benefit of the local economy. This Act also would benefit
16 individual health plan policyholders by reducing or moderating
17 premium costs for individuals.



1 SECTION 2. Section 431:10A-116.5, Hawaii Revised Statutes,
2 is amended to read as follows:

3 "§431:10A-116.5 In vitro fertilization procedure coverage.

4 (a) All individual and group accident and health or sickness
5 insurance policies issued or renewed in this State before the
6 effective date of this Act or after June 30, 2015, which provide
7 pregnancy-related benefits shall include in addition to any
8 other benefits for treating infertility, a one-time only benefit
9 for all outpatient expenses arising from in vitro fertilization
10 procedures performed on the insured or the insured's dependent
11 spouse[; ~~provided that:~~].

12 All individual and group accident and health or sickness
13 insurance policies issued or renewed in this State between the
14 effective date of this Act and June 30, 2015, shall offer as an
15 option a one-time only benefit for all outpatient expenses
16 arising from in vitro fertilization procedures performed on the
17 insured or the insured's dependent spouse.

18 (b) Policies providing an in vitro fertilization procedure
19 benefit shall comply with the following:

20 (1) Benefits under this section shall be provided to the
21 same extent as the benefits provided for other
22 pregnancy-related benefits;



- 1 (2) The patient is the insured or covered dependent of the
- 2 insured;
- 3 (3) The patient's oocytes are fertilized with the
- 4 patient's spouse's sperm;
- 5 (4) The:
- 6 (A) Patient and the patient's spouse have a history
- 7 of infertility of at least five years' duration;
- 8 or
- 9 (B) Infertility is associated with one or more of the
- 10 following medical conditions:
- 11 (i) Endometriosis;
- 12 (ii) Exposure in utero to diethylstilbestrol,
- 13 commonly known as DES;
- 14 (iii) Blockage of, or surgical removal of, one or
- 15 both fallopian tubes (lateral or bilateral
- 16 salpingectomy); or
- 17 (iv) Abnormal male factors contributing to the
- 18 infertility;
- 19 (5) The patient has been unable to attain a successful
- 20 pregnancy through other applicable infertility
- 21 treatments for which coverage is available under the
- 22 insurance contract; and



1 (6) The in vitro fertilization procedures are performed at
2 medical facilities that conform to the American
3 College of Obstetric and Gynecology guidelines for in
4 vitro fertilization clinics or to the American Society
5 for Reproductive Medicine minimal standards for
6 programs of in vitro fertilization.

7 ~~[(b)]~~ (c) For the purposes of this section, the term
8 "spouse" means a person who is lawfully married to the patient
9 under the laws of the State.

10 ~~[(e)]~~ (d) The requirements of this section shall apply to
11 all new policies delivered or issued for delivery in this State
12 after June 26, 1987."

13 SECTION 3. Section 431M-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§431M-2 Policy coverage.** ~~[All]~~ (a) This subsection
16 shall apply to the following policies and contracts that are
17 issued or renewed in this State before the effective date of
18 this Act or after June 30, 2015: individual and group accident
19 and health or sickness insurance policies ~~[issued in this~~
20 ~~State]~~, individual or group hospital or medical service plan
21 contracts, and nonprofit mutual benefit society and health
22 maintenance organization health plan contracts.



1 All policies and contracts subject to this subsection
2 shall include within their hospital and medical coverage the
3 benefits of alcohol dependence, drug dependence, and mental
4 illness treatment services provided in section 431M-4 [~~except~~
5 ~~that~~].

6 (b) This subsection shall apply to the following policies
7 and contracts that are issued or renewed in this State between
8 the effective date of this Act and June 30, 2015: individual
9 and group accident and health or sickness insurance policies,
10 individual or group hospital or medical service plan contracts,
11 and nonprofit mutual benefit society and health maintenance
12 organization health plan contracts.

13 All policies and contracts subject to this subsection
14 shall offer as an option alcohol dependence, drug dependence,
15 and mental illness treatment benefits. The optional benefits
16 shall be the same as those specified in section 431M-4.

17 (c) Notwithstanding any other law to the contrary, this
18 section shall not apply to insurance policies that are issued
19 solely for single diseases, or otherwise limited, specialized
20 coverage."

21 SECTION 4. Within thirty days of the effective date of
22 this Act, the insurance commissioner, under the authority of



1 section 431:14G, Hawaii Revised Statutes, shall mandate each
2 managed care plan affected by this Act to submit a rate filing
3 reflecting the suspension of mandatory benefits as provided by
4 this Act.

5 The insurance commissioner shall review and may disapprove
6 the rate filings in accordance with chapter 431, article 14G,
7 Hawaii Revised Statutes.

8 SECTION 5. This Act is not intended to jeopardize the
9 waiver by federal law of the Hawaii prepaid health care act from
10 preemption by any other federal law.

11 To maintain the effectiveness of the waiver, the governor,
12 after consultation with the state attorney general, may suspend
13 any provision of this Act. Upon effectuating a suspension, the
14 governor shall notify in writing the president of the state
15 senate and the speaker of the state house of representatives.

16 SECTION 6. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect upon its approval
22 and shall be repealed on June 30, 2015; provided that, on July



1 1, 2015, sections 431:10A:116.5 and 431M-2, Hawaii Revised
2 Statutes, shall be reenacted in the same form in which they
3 existed on the day before the effective date of this Act.

4

INTRODUCED BY: Calvin K. Y. Ng

JAN 17 2012



H.B. NO. 1895

Report Title:

Health Insurance; Suspension of Certain Mandated Benefits

Description:

Suspends the mandatory coverage for in vitro fertilization and mental health benefits in health insurance policies issued or renewed between the effective date of this Act and 06/30/15. Requires instead those benefits to be offered as options in such policies. Requires the insurance commissioner to mandate each managed care plan affected by the Act to submit a rate filing reflecting the suspension of benefits affected by the Act. Repeals this Act on 06/30/15.

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

