

JAN 17 2014

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# 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 appropriately  
17 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, 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,~~] or  
6           a correction of any visual or muscular anomaly[~~;~~] and  
7           the supplying of ophthalmic materials, lenses, contact  
8           lenses, spectacles, eyeglasses, and appurtenances  
9           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, 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~~],  
20 osteopathic physician, or a naturopathic physician as  
21 medically necessary for the dietary treatment of an  
22 inborn error 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 [e], osteopathic physician, or a naturopathic  
6 physician and is intended for the specific dietary management of  
7 a disease or condition for which distinctive nutritional  
8 requirements, based on recognized scientific principles, are  
9 established by 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, or nurse delivered services as defined by section~~  
15 ~~457-2 ("registered nurse")]~~ services supervised by a physician  
16 or osteopathic physician licensed pursuant to chapter 453 or  
17 services delivered by a physician or osteopathic physician  
18 licensed pursuant to chapter 453, a naturopathic physician  
19 licensed pursuant to chapter 455, or a registered nurse licensed  
20 pursuant to chapter 457 which shall include as the minimum  
21 benefit coverage for services delivered at intervals and scope  
22 stated in this section."



1 SECTION 8. Section 432:1-602.5, Hawaii Revised Statutes,  
2 is amended by amending subsection (e) to read as follows:

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

14 SECTION 9. Section 432:1-609, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§432:1-609 Medical foods and low-protein modified food**  
17 **products; treatment of inborn error of metabolism; notice.** (a)  
18 All individual and group hospital and medical service plan  
19 contracts and medical service corporation contracts under this  
20 chapter shall provide coverage for medical foods and low-protein  
21 modified food products for the treatment of an inborn error of  
22 metabolism for its members or dependents of the member in this



1 State; provided that the medical food or low-protein modified  
2 food product is:

- 3 (1) Prescribed as medically necessary for the therapeutic  
4 treatment of an inborn error of metabolism; and
- 5 (2) Consumed or administered enterally under the  
6 supervision of a physician or osteopathic physician  
7 licensed under chapter 453 [÷] or a naturopathic  
8 physician licensed under chapter 455.

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

12 (b) Every mutual benefit society shall provide notice to  
13 its members regarding the coverage required by this section.  
14 The notice shall be in writing and prominently placed in any  
15 literature or correspondence sent to members [~~and shall be~~  
16 ~~transmitted to members during calendar year 2000 when annual~~  
17 ~~information is made available to members, or in any other~~  
18 ~~mailing to members, but in no case later than December 31,~~  
19 ~~2000~~].

20 (c) For the purposes of this section:

21 "Inborn error of metabolism" means a disease caused by an  
22 inherited abnormality of the body chemistry of a person that is





1 characterized by deficient metabolism, originating from  
2 congenital defects or defects arising shortly after birth, of  
3 amino acid, organic acid, carbohydrate, or fat.

4 "Low-protein modified food product" means a food product  
5 that:

- 6 (1) Is specially formulated to have less than one gram of  
7 protein per serving;
- 8 (2) Is prescribed or ordered by a physician [œ],  
9 osteopathic physician, or a naturopathic physician as  
10 medically necessary for the dietary treatment of an  
11 inherited metabolic disease; and
- 12 (3) Does not include a food that is naturally low in  
13 protein.

14 "Medical food" means a food that is formulated to be  
15 consumed or administered enterally under the supervision of a  
16 physician [œ], osteopathic physician, or a naturopathic  
17 physician and is intended for the specific dietary management of  
18 a disease or condition for which distinctive nutritional  
19 requirements, based on recognized scientific principles, are  
20 established by medical evaluation."



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

4 "Provider" means any physician, hospital, or other person,  
5 including a naturopathic physician practicing within the scope  
6 of licensure, licensed or otherwise authorized to furnish health  
7 care services."

8 SECTION 11. Section 432D-23, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§432D-23 Required provisions and benefits.**

11 Notwithstanding any provision of law to the contrary, each  
12 policy, contract, plan, or agreement issued in the State after  
13 January 1, 1995, by health maintenance organizations pursuant to  
14 this chapter, shall include benefits provided in sections  
15 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
16 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
17 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, [~~431:10A-~~  
18 ~~122, and 431:10A-116.2,~~] 431:10A- , and chapter 431M."

19 SECTION 12. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21



1 SECTION 13. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:

Russell Rudman

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~~over~~ ~~entire~~ ~~age~~

Matt

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O

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# S.B. NO. 2357

**Report Title:**

Naturopathic Physicians; Health Insurance; Primary Care

**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.*

