

STAND. COM. REP. NO. 3093

Honolulu, Hawaii

MAR 25 2014

RE: S.C.R. No. 35
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.C.R. No. 35 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE INFERTILITY PROCEDURE COVERAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of requiring health insurers to provide infertility procedure coverage.

Your Committee received testimony in support of this measure from Kaiser Permanente Hawaii and two individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Hawaii Catholic Conference.

Your Committee finds that Hawaii has required insurance coverage for the treatment of infertility through in vitro fertilization under certain qualifying conditions since 1987. However, the existing law has a number of shortcomings, including covering only one form of assisted reproductive technology, in vitro fertilization; providing a one-time only benefit; and applying only to an insured's covered spouse. Expanding infertility procedures by requiring non-discriminatory coverage for the treatment of infertility will ensure quality of care in the diagnosis and treatment of infertility for patients in Hawaii.

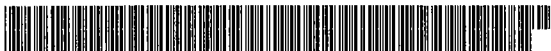


Your Committee further finds that this measure requests the Auditor to assess the social and financial impacts of requiring health insurers to offer coverage for expanded infertility procedures, as proposed under S.B. No. 2909, S.D. 1 (2014), pursuant to the procedural requirements under sections 23-51 and 23-52, Hawaii Revised Statutes, for legislation proposing mandatory health insurance coverage.

Your Committee notes that the addition of a new mandated health insurance benefit under Hawaii law may trigger Section 1311(d)(3) of the federal Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), which requires states to defray the additional cost of any benefits in excess of the essential health benefits of the state's qualified health plan. Your Committee therefore finds that the impact of the Affordable Care Act on expanded infertility procedures, as proposed by S.B. No. 2909, S.D. 1 (2014), as well as certain other considerations related to expanded coverage for infertility procedures, should be included in the Auditor's impact assessment report.

Accordingly, your Committee has amended this measure by:

- (1) Inserting references to S.B. No. 2909, S.D. 1, Regular Session of 2014;
- (2) Requesting the Auditor to including the following in the impact assessment report:
 - (A) A survey of other states in the country that have implemented a mandate for expanded infertility in vitro fertilization procedures and the social and financial impact of expanded infertility in vitro fertilization procedures in those states;
 - (B) Whether an expansion of infertility in vitro fertilization procedures would constitute benefits that are in excess of the essential health benefits required for health insurance coverage under the Affordable Care Act;
 - (C) Any other impacts or requirements of the Affordable Care Act if a mandate for expanded infertility in vitro fertilization procedures is enacted in Hawaii;



- (D) Research on what is being used as the standard medical definition of "reproductive age" that is best suited for in vitro fertilization procedures and the success rates for different age groups to determine coverage benefit limitations for this covered benefit, including whether different standards of infertility treatments are applied to different age groups in need of infertility treatment;
 - (E) An examination of current medically necessary standards of care used to determine what types of infertility treatment options are available at a more cost effective savings than in vitro fertilization; and
 - (F) An examination of existing technology in infertility procedures and possible future technology for infertility procedures; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 35, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 35, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SUR 35	CPN, WAM	3/21/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes