
A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. The legislature finds that insurance companies
2 typically cover a thirty- or ninety-day supply of prescription
3 contraceptives. However, these coverage requirements may act as
4 a barrier for women, especially those who live in rural areas,
5 frequently travel, are unable to schedule regular visits to
6 health care providers, or are unable to readily pick up their
7 prescriptions. The legislature further finds that statewide
8 efforts to expand women's access to prescription contraceptives,
9 including long-acting reproductive contraceptives, have been
10 shown to help decrease unplanned pregnancies.

11 The legislature additionally finds that Oregon recently
12 enacted legislation to expand women's access to prescription
13 contraception. The law requires women to first obtain a three-
14 month supply of prescription contraceptives then allows women to
15 fill subsequent prescriptions for a year at a time. The
16 legislature concludes that Hawaii should adopt similar
17 legislation, which will increase access to prescription
18 contraceptive supplies and decrease barriers regarding



1 reproductive health care. The legislature notes that the
2 American Congress of Obstetricians and Gynecologists and the
3 federal Centers for Disease Control and Prevention recommend
4 prescribing or supplying up to one year of oral contraceptive
5 supplies, based on a woman's preferences and anticipated use.

6 Accordingly, the purpose of this Act is to expand access to
7 prescription contraceptives by requiring insurers to cover up to
8 a twelve-month period of prescription contraceptive supplies for
9 an insured.

10 The legislature notes that the reimbursement for
11 prescription contraceptive supplies required under this Act is
12 intended to apply to all insurers in the State, including health
13 benefits plans under chapter 87A, Hawaii Revised Statutes, and
14 medicaid managed care programs.

15 SECTION 2. Section 431:10A-116.6, Hawaii Revised Statutes,
16 is amended to read as follows:

17 "§431:10A-116.6 Contraceptive services. (a)
18 Notwithstanding any provision of law to the contrary, each
19 employer group accident and health or sickness policy, contract,
20 plan, or agreement issued or renewed in this State on or after
21 January 1, 2000, shall cease to exclude contraceptive services



1 or supplies for the subscriber or any dependent of the
2 subscriber who is covered by the policy, subject to the
3 exclusion under section 431:10A-116.7[-] and the exclusion under
4 section 431:10A-102.5.

5 (b) Except as provided in subsection (c), all policies,
6 contracts, plans, or agreements under subsection (a), that
7 provide contraceptive services or supplies, or prescription drug
8 coverage, shall not exclude any prescription contraceptive
9 supplies or impose any unusual copayment, charge, or waiting
10 requirement for such supplies.

11 (c) Coverage for oral contraceptives shall include at
12 least one brand from the monophasic, multiphasic, and the
13 progestin-only categories. A member shall receive coverage for
14 any other oral contraceptive only if:

15 (1) Use of brands covered has resulted in an adverse drug
16 reaction; or

17 (2) The member has not used the brands covered and, based
18 on the member's past medical history, the prescribing
19 health care provider believes that use of the brands
20 covered would result in an adverse reaction.



1 (d) Coverage required by this section shall include
2 reimbursement to a prescribing health care provider or
3 dispensing entity for prescription contraceptive supplies
4 intended to last for up to a twelve-month period for an insured.

5 [~~d~~] (e) For purposes of this section:

6 "Contraceptive services" means physician-delivered,
7 physician-supervised, physician assistant-delivered, [nurse
8 ~~practitioner delivered, certified nurse midwife delivered,~~
9 advanced practice registered nurse-delivered, nurse-delivered,
10 or pharmacist-delivered medical services intended to promote the
11 effective use of contraceptive supplies or devices to prevent
12 unwanted pregnancy.

13 "Contraceptive supplies" means all United States Food and
14 Drug Administration-approved contraceptive drugs or devices used
15 to prevent unwanted pregnancy.

16 [~~e~~] (f) Nothing in this section shall be construed to
17 extend the practice or privileges of any health care provider
18 beyond that provided in the laws governing the provider's
19 practice and privileges."

20 SECTION 3. Section 432:1-604.5, Hawaii Revised Statutes,
21 is amended to read as follows:



1 "§432:1-604.5 Contraceptive services. (a)

2 Notwithstanding any provision of law to the contrary, each
3 employer group health policy, contract, plan, or agreement
4 issued or renewed in this State on or after January 1, 2000,
5 shall cease to exclude contraceptive services or supplies, and
6 contraceptive prescription drug coverage for the subscriber or
7 any dependent of the subscriber who is covered by the policy,
8 subject to the exclusion under section 431:10A-116.7.

9 (b) Except as provided in subsection (c), all policies,
10 contracts, plans, or agreements under subsection (a), that
11 provide contraceptive services or supplies, or prescription drug
12 coverage, shall not exclude any prescription contraceptive
13 supplies or impose any unusual copayment, charge, or waiting
14 requirement for such drug or device.

15 (c) Coverage for contraceptives shall include at least one
16 brand from the monophasic, multiphasic, and the progestin-only
17 categories. A member shall receive coverage for any other oral
18 contraceptive only if:

19 (1) Use of brands covered has resulted in an adverse drug
20 reaction; or



1 (2) The member has not used the brands covered and, based
2 on the member's past medical history, the prescribing
3 health care provider believes that use of the brands
4 covered would result in an adverse reaction.

5 (d) Coverage required by this section shall include
6 reimbursement to a prescribing health care provider or
7 dispensing entity for prescription contraceptive supplies
8 intended to last for up to a twelve-month period for a member.

9 ~~[(d)]~~ (e) For purposes of this section:

10 "Contraceptive services" means physician-delivered,
11 physician-supervised, physician assistant-delivered, [nurse
12 ~~practitioner delivered, certified nurse midwife delivered,~~
13 advanced practice registered nurse-delivered, or nurse-delivered
14 medical services intended to promote the effective use of
15 contraceptive supplies or devices to prevent unwanted pregnancy.

16 "Contraceptive supplies" means all Food and Drug
17 Administration-approved contraceptive drugs or devices used to
18 prevent unwanted pregnancy.

19 ~~[(e)]~~ (f) Nothing in this section shall be construed to
20 extend the practice or privileges of any health care provider



1 beyond that provided in the laws governing the provider's
2 practice and privileges."

3 SECTION 4. Notwithstanding any other law to the contrary,
4 the reimbursement for prescription contraceptive supplies
5 required under sections 2 and 3 of this Act shall apply to all
6 health benefits plans under chapter 87A, Hawaii Revised
7 Statutes, issued, renewed, modified, altered, or amended on or
8 after January 1, 2017.

9 SECTION 5. The reimbursement for prescription
10 contraceptive supplies required under sections 2 and 3 of this
11 Act shall apply to all plans under medicaid managed care
12 programs in the State.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2016;
16 provided that sections 2 and 3 shall apply to all policies,
17 contracts, plans, or agreements issued or renewed in the State
18 on or after January 1, 2017; provided further that section 5
19 shall take effect upon approval of the Hawaii medicaid state
20 plan by the Centers for Medicare and Medicaid Services.



Report Title:

Insurance; Prescription Contraceptive Supplies; Reimbursement

Description:

Requires health insurers in the State, including health benefits plans under the Hawaii Employer-Union Health Benefits Trust Fund and Medicaid managed care programs, to cover reimbursement for contraceptive supplies intended to last for up to a twelve-month period for an insured. (CD1)

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