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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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TO THE HOUSE COMMITTEE ON JUDICIARY
TWENTY-EIGHTH LEGISLATURE
Regular Session of 2015

Thursday, April 2, 2015
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 1217, S.D. 1, H.D. 2 – RELATING TO
INSURANCE.**

TO THE HONORABLE KARL RHOADS, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department takes no position on the bill and submits the following comments.

The purpose of this bill is to prohibit insurers from discriminating against any health care provider who is acting within the scope of that provider's license or certification.

The Department notes that as drafted, this mandate would apply to all insurers of accident and health or sickness policies, and not only to health insurers, mutual benefit societies, and health maintenance organizations. Therefore, the statute should exclude limited benefit health insurance as set forth in section 431:10A-102.5, Hawaii Revised Statutes.

Also, Section 2706 of the federal Public Health Service Act, as added by section 1201 of the federal Patient Protection and Affordable Care Act of 2010, prohibits such discrimination. Pursuant to section 431:2-201.5 (conformity to federal law), Hawaii Revised Statutes, these provisions already apply to Title 24 (insurance).

Senate Bill No. 1217, S.D. 1, H.D. 2
Testimony of Gordon Ito
Page 2

We thank this Committee for the opportunity to present testimony on this matter.



Testimony of
John M. Kirimitsu
Legal & Government Relations Consultant

Before:
House Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Joy A. San Buenaventura, Vice Chair

April 2, 2015
2:00 pm
Conference Room 325

Re: SB 1217, SD1, HD2 Relating to Insurance

Chair, Vice Chair, and committee members thank you for this opportunity to provide testimony on bill relating to mandating coverage for naturopathic physicians.

Kaiser Permanente Hawaii supports the intent of this bill, as amended.

Kaiser Permanente understands the intent of this bill is to align state law with the requirements of Section 2706(a) of the federal Affordable Care Act prohibiting discrimination against any health care provider who is acting within the scope of that provider's license. As amended, Kaiser Permanente does support this bill's intent to mimic the federal provisions of Section 2706(a) to create parity among the state and federal laws. Since its effective date on January 1, 2014, Kaiser Permanente has been in compliance with Section 2706(a), and the ACA.

That being said, Kaiser Permanente agrees with the Insurance Commissioner's previous testimony on this bill that:

Pursuant to section 431:2-201.5 (conformity to federal law), Hawaii Revised Statutes, these provisions already apply to Title 24 (insurance).

Therefore, since HRS § 431:2-201.5 already requires insurers (under Title 24) to comply with the federal ACA, including Section 2706(a), Kaiser Permanente does not believe that this bill is necessary.

Thank you for the opportunity to comment.

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Honolulu, Hawaii 96813
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April 1, 2015

The Honorable, Chair Karl Rhoads

The Honorable, Vice Chair Joy A. San Buenaventura

House Committee on Judiciary

Re: SB1217SD1HD2 - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Hawaii Society of Naturopathic Physicians would like to urge your support for SB1217SD1HD2.

Health plans and insurance companies in Hawaii have limited the types of health care providers permitted to provide services to their members by excluding certain licensed providers. In particular, naturopathic physicians are often excluded from insurance contracts in Hawaii, which forces patients who choose a naturopathic physician as their primary care provider to pay out of pocket for their primary care needs.

Discrimination against any provider group, as a whole, is harmful to patients and restricts their ability to select the provider of their choice. The ability for patients to choose the licensed provider of their choice is integral to the intended full implementation of the federal Patient Protection and Affordable Care Act of 2010 (Affordable Care Act). SB1217SD1HD2 would provide that naturopathic physicians in Hawaii must be able to participate as in-network providers, and be compensated appropriately, similar to other licensed providers and without discrimination, per the requirements of section 2706 of the Affordable Care Act.

Section 2706 of the Affordable Care Act became effective on January 1, 2014. Despite this federal law, insurance companies in Hawaii (HMSA, Kaiser Permanente, UHA, HMAA) have continued discriminatory practices in their coverage for naturopathic medicine. HMSA and UHA do not allow naturopathic physicians to be participating providers. HMAA has an annual maximum benefit for their members of \$1000, which is shared with visits to chiropractors and acupuncturists. Kaiser Permanente has completely disregarded all requests from naturopathic physicians to apply to provide services to Kaiser members.

The State Insurance Commissioner stated in his testimony on this bill on February 5, 2015 that Section 2706 of the federal Public Health Service Act, as added by section 1201 of the federal Patient Protection and Affordable Care Act of 2010, prohibits such discrimination. Pursuant to section 431:2-201.5 (conformity to federal law), Hawaii Revised Statutes, these provisions already apply to Title 24 (insurance).

However, the Insurance Division has allowed insurers in Hawaii to continue their discriminatory practices, in clear contradiction to the federal law.

SB1217SD1HD2 would correct these injustices by requiring health care insurers who provide health care coverage to provide coverage for medically necessary health care services covered by a health insurance policy when provided by licensed naturopathic physicians acting within their scope of practice.

The previous draft of this bill, SB1217SD1HD1, provided more clarity than the present draft that insurers could not discriminate against naturopathic physicians. We ask that you reinstate this language.

Insofar as the Insurance Commissioner has not enforced full compliance with Section 2706 of the Affordable Care Act, we would also ask this committee to consider adding an enforcement provision to SB1217SD1. One non-compliance enforcement provision to consider would be to suspend plan participation in state public health programs for up to two years. Another enforcement provision would be to make the Department of the Attorney General specifically responsible for investigating violations of this bill should it become law, and responsible for initiating civil actions to enforce the regulatory law and prosecute persons who violate it.

Thank you for the opportunity to present testimony on this matter. Your support for SB1217SD1HD2 is deeply appreciated.

Respectfully,

Karen Frangos, PT, ND
President, HSNP



April 2, 2015

The Honorable Karl Rhoads, Chair
The Honorable Joy San Buenaventura, Vice Chair
House Committee on Judiciary

Re: SB1217 SD1 HD2 – Relating to Insurance

Dear Chair Rhoads, Vice Chair San Buenaventura and Members of the Committee:

The Hawai'i Association of Health Plans (HAHP) respectfully submits comments on SB1217 SD1 HD2. HAHP notes that this measure could interfere with existing quality control provisions and standards in place between plans and providers and that contracting provisions and requirements are best determined through negotiation between a plan and provider. To ensure providers are of the highest professional caliber, plans have strict credentialing standards.

We appreciate your consideration of our comments and for allowing HAHP to testify on SB1217 SD1 HD2.

Sincerely,

Wendy Morriarty
Chair, HAHP Public Policy Committee

Cc: HAHP Board Members

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce
Re: SB1217SD1HD2- Relating to Insurance - In Support
Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Noran Siegel and I would like to urge your support for SB1217SD1HD2. I prefer the holistic medicine offered by naturopathic physicians and acupuncturists rather than the treatment of symptoms by standard medical physicians. Naturopathic physicians go through a rigorous medical school as do allopathic physicians and it is fair that my insurance company gives me a choice to use the type of care that I prefer and pay for. Please correct this injustice by supporting passage of this bill.

Sincerely,
Noran Siegel

April 1, 2015

The Honorable **Rep. Karl Rhoads, Chair**

The Honorable **Rep. Joy A. San Buenaventura, Vice Chair**

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Michaela Martin and I would like to urge your support for SB1217SD1HD2.

I am a naturopathic physician, trained as a primary care physician. My education and training is on par with that of many of the other primary health care professionals in Hawaii who currently are fully covered in health insurance plans in Hawaii. Please help to put an end to decades of discrimination and injustice by voting to approve SB1217SD1HD2. And please strongly consider adding an enforcement provision to this bill to encourage insurers to comply fully with the requirement.

People on the big island of Hawaii are desperate for primary care. Many people do not have a dedicated primary care provider and are forced to utilize the emergency room for what should be taken care of in an office setting. Making sure that the insured people of Hawaii have access to primary care is a necessity for our community.

Sincerely,

Michaela Martin

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Dr. Shanon Sidell and I would like to urge your support for SB1217SD1HD2.

I am a naturopathic physician, trained as a primary care physician. My education and training far exceeds that of many of the other health care professionals in Hawaii who currently are fully covered in health insurance plans in Hawaii. Please help to put an end to decades of discrimination and injustice by voting to approve SB1217 SD1 HD2.

Please also strongly consider adding an enforcement provision to this bill to encourage insurers to comply fully with the requirement. Even the ACA has not moved our patients' insurers to become compliant.

In Health,

Dr. Shanon Sidell
Licensed Naturopathic Physician
Licensed Acupuncturist

I am thankful for all your work on this bill to help comply with the law and make Healy care access able to the kabuna

The bill in the Hawaii state legislature will require insurance companies to comply with the law, covering all trained and licensed healthcare providers for care within their scope of practice.

SB1217 SD1 HD2 was amended back to it's original version to be consistent with section 2706 of the Affordable Care Act. and passed through the House Consumer Protection Committee last week. The House committee on Judiciary will hear SB1217 SD1 HD2 [on Thursday at 2 pm in House conference room 325.](#) **This is the last committee hearing for this bill.**

I Request in my testimony that the bill include enforcement to ensure that insurance companies comply with the law; Punitive monetary action usually has the greatest impact and may be required to speed up the process of access ability

I have been paying out of pocket to these top professionals when my insurance should cover this Also making more services available via insurance means more health care available on our island a must

Gratitude for your help

John Betlach

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce
Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Dorothy White and I would like to urge your support for SB1217SD1HD2.

I am a patient of a naturopathic physician. It is unfair that my insurance company continues to discriminate against my doctor and me. Please correct this injustice by supporting passage of this bill.

Please enforce to ensure that insurance companies comply with the law!

Sincerely,
Dorothy White

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Dr. Margaret Dexter, and I am a Hawaii licensed naturopathic physician. I would like to urge your support for SB1217SD1HD2.

SB1217SD1HD2 as written will finally put an end to the discrimination of naturopathic physicians by insurance companies. However, an enforcement provision must be added to encourage insurers to comply fully with the requirement.

I have worked as a family naturopathic physician in Captain Cook for 7 years, and I take responsibility for the health care of hundreds of patients. Naturopathic physicians are not only well trained primary care providers-- we are EXPERTS in preventive medicine and natural medicine. Not only do we care for our patients when they are sick, we MAKE the time in our visits to educate our patients on how to support their health with preventive measures EVERY time they are in our offices.

The law states that we should not be discriminated against any longer, and this is the time to make change happen for the better. If this bill passes and is enforced, many insurance providers feel that this change will force them to increase premiums. Insurance companies fail to realize that the insured who CHOOSE naturopathic medical care when this bill is passed, will SAVE said insurance companies billions of dollars over the lives of those insured patients and their children.

Insured who choose naturopathic physicians as their primary care physicians have the EXTRA benefit from our expertise in preventive medicine reap these benefits by learning to implement holistic strategies that prevent chronic diseases such as diabetes, heart disease, obesity, alzheimers, respiratory diseases, and other chronic problems that ultimately drain the insurance companies funds.

"No individual and group accident and health or sickness policy, contract, plan, or agreement that provides health care coverage shall discriminate with respect to participation under the policy, contract, plan, or agreement against any health care provider who is acting within the scope of that provider's license or certification under applicable state law."

Honorable representatives, this is what CHANGE looks like... and furthermore this is what the beginning of a successful Hawaii health care system looks like. A system that allows the people of Hawaii to choose preventive care natural medicine experts as their primary care physicians.

Please keep the best the interest of the people of Hawaii in mind when you vote on this bill, and PASS SB1217SD1HD2 with enforcements.

Respectfully,

Margaret Dexter, ND
Captain Cook, Hawaii

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair;
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Rachel Davies and I would like to urge your support for SB1217SD1HD2.

I am a patient of an excellent naturopathic physician. I believe that it is extremely unfair that my insurance company has discriminated against my doctor and her patients for several years. Please correct this injustice by supporting passage of this bill.

I would really appreciate it.

Working with my naturopathic physician has brought me the best health of my life.
Many thanks!

Respectfully,

Rachel Davies

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Corinne De Soto and I would like to urge your support for SB1217SD1HD2.

I am a naturopathic physician, trained as a primary care physician. My education and training exceeds that of many of the other health care professionals in Hawaii who currently are fully covered in health insurance plans in Hawaii by covering both allopathic and natural medicine modalities. Please help to put an end to provider discrimination by voting to approve SB1217SD1HD2. Furthermore, much like section 2706 of the ACA, this bill will not be sufficient to change insurance company practices without adding an enforcement provision, which would penalize those who do not comply fully with the requirement.

Naturopathic physicians (NDs) are an important asset to the State of Hawaii, a state that falls far short of the number of physicians needed to meet basic primary care needs of its population. As an ND, I see many patients who are skeptical of modern medicine and would otherwise be alienated and fall off the radar of public health efforts. It is in the interest of public health, that NDs be covered by insurance so that all people seeking primary care, whether it is allopathic or naturopathic, have access to preventative health services.

Thank you for your consideration and support of this important issue,

Sincerely,

Dr. Corinne M. De Soto

Naturopathic Physician

Kailua Kona, HI

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Marianne George.

I urge your support for SB1217SD1HD2.

I am a patient of a naturopathic physician, who helped me in many ways that MDs have no training for and could not help me.

It is extremely unfair that my insurance company has discriminated against my doctor and me for two decades. Please correct this injustice by supporting passage of this bill. Naturopathic physicians should receive the same compensation as medical physicians. There is no good reason for insurance companies to not pay naturopathic physicians.

Without my naturopathic physician I would be long dead. The M.D.s gave up on me. Since I got help from N.D.s I returned to work and had 20 years of healthy and productive life. There are many people who have discovered naturopathic medicine helps them more than allopathic medicine.

Please support this bill to make insurance companies stop discriminating against naturopathic physicians.

Respectfully,

Mairanne George
POB 189
Anahola, Kauai

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Cheryl Cyman | Individual | Comments Only | No |

Comments: April 1, 2015 The Honorable Rep. Karl Rhoads, Chair The Honorable Rep. Joy A. San Buenaventura, Vice Chair House Committee on Consumer Protection and Commerce Re: SB1217SD1HD2– Relating to Insurance - In Support Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee: My name is Cheryl Cyman and I would like to urge your support for SB1217SD1HD2. I am a patient of a naturopathic physician. It is extremely unfair that my insurance company has discriminated against my doctor and me for years. Please correct this injustice by supporting passage of this bill. Respectfully,Cheryl Cyman

Michael Traub, ND, FABNO
Lokahi Health Center
75-169 Hualalai Road, Suite 301
Kailua Kona, Hawaii 96740
Phone 808-329-2114
Fax 808-326-2871
mtraubnd@me.com

March 31, 2015

The Honorable Chair Rhoads, Vice Chair San Buenaventura and members of the House Committee on Judiciary

Re: SB1217SD1HD2 – in support

I am Michael Traub, ND, a naturopathic physician in private practice in Kailua-Kona, Hawaii for the past 30 years. I am a recognized national expert on non-discrimination in health care. I have served for the past 15 years as a Board Member of the Integrative Healthcare Policy Consortium (IHPC) and am the co-chair of the IHPC Nondiscrimination Committee. I am also a past-president of the American Association of Naturopathic Physicians (AANP), and serve on the AANP “2706 Team.” Both of these committees are tasked with advocating for full implementation and compliance of Section 2706 of the Affordable Care Act (ACA): “Non-Discrimination in Health Care”:

“(a) Providers- A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.”

Following the enactment of the ACA, the IHPC convened a conference in Washington D.C. in February 2010: “The Affordable Care Act & Beyond: A Stakeholder Conference on Integrated Healthcare Reform.” I was an editor of the Report on this conference, published by the IHPC. This past Septemeber, IHPC again convened a conference in Washington DC: “A Call to Action on Integrative Health and Medicine Policy – Advancing the Legacy of US Senator Tom Harkin.” Senator Harkin was the author of Section 2706. I was the featured speaker on Section 2706 at this conference.

I began my presentation by referencing a statement Senator Harkin made in May 2012 about Section 2706:

“This spring we’re celebrating the second anniversary of the Affordable Care Act. I’m very proud of the fact the law includes my amendment: the first federal level, non-discrimination clause to protect naturopathic physicians regarding participation in a health plan. Under that provision, no health plan or insurer may discriminate against any health provider, including NDs acting within the scope of that provider’s license or certification under applicable state law. **This is to ensure that insurance companies cannot exclude NDs or other allied health professionals from practicing under the capacity of their training and licensure.** A major aim of the Affordable Care Act is to jumpstart America’s transformation into a genuine wellness society. No question, NDs and integrative medicine can and must play a very big role in this transformation. We need an expanded role for NDs in order to reduce the shortage of primary care providers.”

Unfortunately, despite Senator Harkin’s stated intention for Section 2706, and his repeated efforts to see it implemented as intended before he left office at the end of 2014, there has been very limited success on state levels with respect to compliance with this federal law that became effective on January 1, 2014. Discrimination against naturopathic physicians is still widespread in Hawaii and most other states. The previous draft of this bill, SB1217SD1HD1, provided more clarity than the present draft that insurers could not discriminate against naturopathic physicians. We ask that you reinstate this language.

Most importantly, **SB1217SD1HD2 must have an enforcement provision, so that insurers that fail to comply with state law are subject to punitive action.** The Insurance Commissioner has failed to enforce full compliance with Section 2706. One non-compliance enforcement provision to consider would

be to suspend plan participation in state public health programs for up to two years. Another enforcement provision would be to make the Department of the Attorney General specifically responsible for investigating violations of this bill should it become law, and responsible for initiating civil actions to enforce the regulatory law and prosecute persons who violate it.

Should the members of the committee have any questions they may like me to address, please do not hesitate to contact me. Thank you for the opportunity to submit testimony.

Sincerely,

Michael Traub, ND

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Darrow Hand | Individual | Support | No |

Comments: Aloha Chair Rhoads, Vice Chair San Buenaventura & Committee members, I support SB 1217 SD1 HD1. I am a naturopathic physician. This bill will make State law consistent with Federal law, due to the passing of the Affordable Care Act, effective as of 1/1/2014. This bill would give patients more options in whom they can afford to see for their health care needs. Naturopathic care is safe and effective; often focusing on prevention. Studies have shown that including naturopathic care in insurance plans decreases the overall cost of care, so there would be a cost savings for both the patients and the insurers. Please pass this bill. Thank you for the opportunity to testify.

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Franz Weber | Individual | Support | No |

Comments: April 1, 2015 The Honorable Rep. Karl Rhoads, Chair The Honorable Rep. Joy A. San Buenaventura, Vice Chair House Committee on Consumer Protection and Commerce Re: SB1217SD1HD2– Relating to Insurance - In Support Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee: My name is [your name] and I would like to urge your support for SB1217SD1HD2. I am a patient of a naturopathic physician. It is extremely unfair that my insurance company has discriminated against my doctor and me for years. Please correct this injustice by supporting passage of this bill. I have been receiving treatment and support through a naturopath when needed for decades, resulting in me having no serious illness or sickness (I am 61). In addition, this has saved my insurance a lot of money, avoiding expensive and lengthy treatments. Thank you for listening, Franz Weber

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Agathe Frings | Individual | Support | No |

Comments:

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Margaret Brevoort and I would like to urge your support for SB1217SD1HD2.
I am a patient of a naturopathic physician. It is unfair that my insurance company continues to discriminate against my doctor and me. Please correct this injustice by supporting passage of this bill.

I continue to see a Naturopathic physician even though my insurance will not cover this cost. I can afford it, but many many people cannot. ND's are trained equally as well as MD's in fact, they have more modalities at their fingertips to assure the best possible results. We should be allowed to choose our health provider without being penalized.

Sincerely,

Margaret Brevoort (registered and voting in the State of Hawaii)
P.O. Box 1200
Kapaau, HI 96755

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Tina Pliura-Mohr and I would like to urge your support for SB1217SD1HD2.

I have been a patient of a naturopathic physician and prefer naturopathic healthcare as my health care choice. It is unfair that my insurance company, or any insurance companies, continue to discriminate against naturopathic physicians and their patients. Please correct this injustice by supporting passage of this bill.

Additionally, I have been a licensed massage therapist providing medical massage therapy in Hawaii's health care delivery system since March 1991. During the past 24 years, I have witnessed many patients who benefited from naturopathic health care but were unable to get care from naturopathic physicians because of non-coverage by insurance companies and/or denial of claims. I believe naturopathic, acupuncture and physical medicine should be covered by insurance companies in the best interest of patients who benefit tremendously from such health care services. These health care services should be covered by insurance companies so as to comply with the law and to allow all trained and licensed healthcare providers to be reimbursed for services rendered within the scope of their practice.

Sincerely,
Tina Pliura-Mohr, LMT

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce
Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Natalie Young and I would like to urge your support for SB1217SD1HD2. I am a patient of a naturopathic physician. My health needs are being met effectively by a Naturopathic Physician. It is difficult and unfair that my insurance company continues to discriminate against my doctor and me. Please correct this injustice by supporting passage of this bill.

Sincerely,

Natalie Young

Honorable Judiciary Chair Rhoads, Vice Chair Sa Buenaventura and Members:

RE: SB 1217 SD1 HD1

I am a full time practicing naturopathic physician on Kauai for nearly 25 years and have observed the debacle of "fully" insured patients paying out-of-pocket for naturopathic services. The Hawaii Worker's Compensation system has been the only entity that has recognized ND's and reimbursed according to usual and customary fee schedules. Otherwise, the handful of carriers, e.g.; UHA, HMAA or ASH have exceedingly low reimbursements for ND's, the major providers such as HMSA have finally, through the ACA offered ND's a non-participating provider status that has difficult and inconsistent reimbursements that patients must pay out-of-pocket at the time of service. Fair and legitimate implementation of section 2706 of the ACA will reconcile the unfair trade practices that ND's have had to endure for decades.

Meanwhile MD, DO, DPM, NP, APN, DC, PA, MSW, etc all have opportunity to become authorized providers and ND's remain victim to anti-trust violations. Parity for ND's in the State of Hawaii is LONG overdue. The fact is evident after many years in private practice: a substantial subpopulation of the patient population cannot tolerate synthetic treatments due to allergy or sensitivity require natural and non-toxic health care. These patients are wary of the dominant system of approach to treatment. Low cost/low tech/preventative care are the hallmarks of naturopathic medicine that is key to solving the high cost of medicine AND improving the physician shortage here in Hawaii. Once insurance parity is achieved the State of Hawaii could implement the utilization of ND's that are trained as primary care providers.

As you may know the Hawaii state auditor found in 1989 that naturopathic care would not raise the costs of health insurance.

Please **SUPPORT SB 1217 SD1 HD1** to reconcile the health care service options for the People of Hawaii.

Mahalo for your service,

Miles Greenberg, ND

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Crystal Sebastian and I would like to urge your support for SB1217SD1HD2. I am a patient of a naturopathic physician who has helped me tremendously with many health issues. I have been able to go off of medication and reverse many issues including diabetes, and chronic other immune problems. It is unfair that my insurance company continues to discriminate against my doctor and me. Please correct this injustice by supporting passage of this bill. I have numerous stories of using naturopathic physicians, chiropractors and holistic health professionals within my family and friends. I have a PCP through my HMSA plan whom I've not seen in seven years because I do not get sick or need medication. However, I invest in my health by visiting my naturopathic physician 2-3 times annually to be proactive in addressing any issues as they arise. I always pay for these visits out of pocket as my insurance does not cover my visits. I know that if I went to a PCP, they would spend 15 minutes with me. My naturopathic physician spends 45 minutes- one hour consulting with me.

Respectfully,

Crystal F. Sebastian
Kamuela, HI.

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Dr. Peter Welch and I would like to urge your support for SB1217SD1HD2.

I work with a number of naturopathic physicians. It is unfair that insurance companies continue to discriminate against doctors. Please correct this injustice by supporting passage of this bill.

I am a chiropractor and understand the frustration dealing with insurance companies. I love co-managing with other physicians for the sake of our patients well being. However it is hard when a patient will not get the proper care because their insurance doesn't cover. I don't like the fact an insurance plan is determining how healthy a human being is. Many patients pay good money to insurance companies and believe they have coverage, then find out they are not. I hope you take these points into consideration and support this bill. As a physician I want to help as many people as I can. I feel this will be a positive step for the good of the patient and care they desire.

In good health

Dr. Peter Welch, D.C.

I AM AN INDIVIDUAL IN FAVOR OF SB1217
I WILL NOT BE PHYSICALLY PRESENT AT
HEARING. THANK YOU.

Honorable Judiciary Chair Rhoads, Vice Chair Sa Buenaventura and Members:

RE: SB 1217 SD1 HD1

Please **SUPPORT SB 1217 SD1 HD1** to reconcile the health care service options for the People of Hawaii.

I am a full time practicing veterinary physician on Kauai for nearly 20 years and have observed the state of health care for humans as well as the shortage of primary care providers (the front line, entry level care providers, for many years. The debacle of "fully" insured patients paying out-of-pocket for naturopathic services is a disservice to our citizens. The Hawaii Worker's Compensation system has been the only entity that has recognized ND's and reimbursed according to usual and customary fee schedules. Otherwise, the handful of carriers, e.g.; UHA, HMAA or ASH have exceedingly low reimbursements for ND's, the major providers such as HMSA have finally, through the ACA offered ND's a non-participating provider status that has difficult and inconsistent reimbursements that patients must pay out-of-pocket at the time of service. Fair and legitimate implementation of section 2706 of the ACA will reconcile the unfair trade practices that ND's have had to endure for decades.

In the meantime, MD, DO, DPM, NP, APN, DC, PA, MSW, etc all have had opportunity to become authorized providers and ND's remain victim to anti-trust violations. Parity for ND's in the State of Hawaii is LONG overdue. The fact is evident after many years in private practice: a substantial subpopulation of patients cannot tolerate synthetic treatments due to allergy or sensitivity. They require natural and non-pharma health care. These patients are unable to use the current dominant system of approach to treatment. Low cost/low tech/preventative care are the hallmarks of naturopathic medicine that is key to solving the high cost of medicine AND improving the physician shortage here in Hawaii.

Once insurance parity is achieved, the State of Hawaii could implement the utilization of ND's that are trained as primary care providers, thus relieving the pressure of an overburdened system.

As you may know the Hawaii state auditor found in 1989 that naturopathic care would not raise the costs of health insurance. In fact, due to the organismal overview and constitutional care

provided by ND's, it very well may lower the cost of health care to both consumer and insurance provider alike.

Please **SUPPORT SB 1217 SD1 HD1** to reconcile the health care service options for the People of Hawaii.

Mahalo for your service,

Melissa Shaw DVM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| san henline | Individual | Support | No |

Comments: Honorable members of the House Judiciary committee, My name is San Henline from Kauai and have resided in the Hawaiian islands for more 60 years. I am unable to utilize allopathic medicine and REQUIRE homeopathic/naturopathic medicine for my primary care. Presently I still pay out of pocket for naturopathic care and this is horrendously unjust! I urge you to SUPPORT this measure so I don't have to pay for my insurance premiums that exclude my preferred health care. Mahalo

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Swami Om | Individual | Comments Only | No |

Comments: April 1, 2015 The Honorable Rep. Karl Rhoads, Chair The Honorable Rep. Joy A. San Buenaventura, Vice Chair House Committee on Consumer Protection and Commerce Re: SB1217SD1HD2– Relating to Insurance - In Support Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee: My name is Swami Om and I would like to urge your support for SB1217SD1HD2. I am a patient of a naturopathic physician. It is extremely unfair that my insurance company has discriminated against my doctor and me for years. Please correct this injustice by supporting passage of this bill. I receive more information from her on how to keep myself healthy, then from any MD

KATHERINE POMEROY, N.D.

P.O. Box 1566 | Kapa'au, Hawai'i 96743 | 808.430.7188 | k2pome@gmail.com

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

I am a naturopathic physician with over 12 years practice experience in rural Hawaii. I am also a clinical informatician with a deep understanding of the Affordable Care Act and its ramifications for improving population health outcomes. I have worked extensively in Hawai'i for various public health initiatives under HDOH, John A. Burns School of Medicine, Kapi'olani Medical Center for Women and Children, and the County of Hawai'i. By passing SB1217SD1HD2, you have the opportunity to make naturopathic healthcare affordable to the people who need it most. Please enhance the health of Hawai'i's citizens by supporting passage of this bill.

Warmest Aloha,

Katherine Pomeroy, ND

Aloha,

Please support SB1217 SD1 HD2. As a naturopathic physician practicing in Hilo I receive multiple calls a day from both current and potential clients looking for services that I provide, such as PAP smears, screening blood work, physical examinations, mammography referrals, etc. However, often they are not able to afford out of pocket expense when they are already paying for insurance. It is with great frustration that I must constantly explain that even though I offer the same basic healthcare services as other primary care physicians, their insurance will usually not cover them if they choose to see me. Furthermore, in this area there is often not even an MD that I can refer to for these services, since they are generally no longer accepting new clients. This is the LAW as set forth by the federal government. It should be implemented to the benefit of the people of Hawai'i. Equal reimbursement for equal services. It's that simple. Please support this bill in it's original form.

Dr Sarah Strong, ND

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2–Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Rebecca Logan and I would like to urge your support for SB1217SD1HD2.

I am a supporter of a naturopathic physician. It is extremely unfair that my insurance company has discriminated against my doctor and me for years. Please correct this injustice by supporting passage of this bill.

Mahalo,

Rebecca

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| KAREN LUNDON | Individual | Support | No |

Comments: I SUPPORT SB 1217 !!!

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ann Rothstein | Individual | Support | No |

Comments: To Whom it May Concern, I support the right of a patients right to choose the type of medical care they would like to receive with equal availability of insurance coverage. I know personally many people who would like to go to a Naturopathic doctor, however, end up with a medical doctor because the MD is covered by insurance. Thank You for your consideration.

April 1, 2015

The Honorable Rep. Karl Rhoads, Chair

The Honorable Rep. Joy A. San Buenaventura, Vice Chair

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is [your name] and I would like to urge your support for SB1217SD1HD2.

I am a naturopathic physician, trained as a primary care physician. My education and training far exceeds that of many of the other healthcare professionals in Hawaii who currently are fully covered in health insurance plans in Hawaii. Please help to put an end to decades of discrimination and injustice by voting to approve SB1217SD1HD2.

And please strongly consider adding an enforcement provision to this bill to encourage insurers to comply fully with the requirement.

Regards,
Ian Cholewa, ND

The House committee on Judiciary will hear SB1217 SD1 HD2 on **Thursday at 2 pm in House conference room 325.**

The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Alexandra Bernstein and I would like to urge your support for SB1217SD1HD2.

I am a patient of a naturopathic physician. I also have had massage therapy for a restricted and painful shoulder. I did this after a full course of occupational therapy, paid for by insurance, that did not help at all. The massage has helped tremendously and I now have almost 90% range of motion. All paid by me. Since Federal law requires coverage by licensed providers, my Primary Care Provider should be able to refer me to a massage therapist. By the way, the ten or so massages I had cost about a third of what the insurance paid for physical therapy.

It is unfair that my insurance company continues to discriminate against my health providers and me. Please correct this injustice by supporting passage of this bill.

Sincerely
Alexandra Bernstein
Waikoloa, Big Island

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Steven Coutts | Individual | Support | No |

Comments: Dear Board, Please vote YES on bill SB 1217 which allows insurance reimbursement for naturopathic care provided by ND physicians. I have found my ND physician, Dr Miles Greenberg to be an incredibly valuable way to increase the availability of person centered natural health care. As well as to relieve the health crisis here in Hawaii, Sincerely, Steven Coutts

I support this bill. I am in favour of Naturopathic doctors being able to accept insurance.

I feel that we should be able to choose what type of health care we want. I have always believed more in Naturopathic than in the Allopathic approach.

Thank You,

Jeff Goodman

Hilo, Hawaii

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| patnelson | Individual | Support | No |

Comments: Please pass this bill. We need our state to follow the federal guidelines at a minimum. Our state needs greater access to healthcare, and more doctors. This bill helps our state to achieve both shortfalls.

*The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Joy A. San Buenaventura, Vice Chair
House Judiciary Committee
Re: SB1217SD1HD2– Relating to Insurance - In Support*

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

*My name is Megan Chapman and I would like to urge your support for
SB1217SD1HD2.*

*I am a patient of a naturopathic physician. It is unfair that my insurance company
continues to discriminate against my doctor and me. Please correct this injustice by
supporting passage of this bill.*

*For the past fifteen years I've paid out of pocket for most of my healthcare needs
because natural remedies are what help my condition. Thank you for considering those
who need naturopathic medicine for there healthcare.*

*Sincerely,
Megan Chapman*

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| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Marsha Lowery ND | Individual | Support | No |

Comments: April 1, 2015 The Honorable Rep. Karl Rhoads, Chair The Honorable Rep. Joy A. San Buenaventura, Vice Chair House Committee on Consumer Protection and Commerce Re: SB1217SD1HD2– Relating to Insurance - In Support Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee: My name is Dr. Marsha Lowery ND, and I would like to urge your support for SB1217SD1HD2. I am a naturopathic physician, trained and practicing as a primary care physician. I submit claims for all of my patients, however most insurance companies are either reimbursing naturopathic physicians at a much lower rate than other providers or they are denying the claim entirely. Insurance companies need to abide by section 2706 of the ACA, and the discrimination against naturopathic physicians needs to end. Patients should be able to see the provider of their choice and have it covered by insurance. I also request that an enforcement provision is added to this bill to ensure that health insurance companies follow the law. Thank you for your support. Dr. Marsha Lowery ND

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| William Simonsma | Individual | Support | No |

Comments: Aloha Representatives, Please pass this bill ... and include a way to enforce it. I retired to Hawaii from Alaska in 2002 and I have Alaskacare as my insurer. Many years ago (appx 30) Alaska passed a law giving equal treatment to Naturopaths. They have been covered by insurance ever since. Since the ACA covers Naturopaths, it is very wrong for insurance companies in Hawaii to refuse to honor those promises. Thank you

Testimony In Support of SB 1217 SD1 HD2: Relating to Ins

LATE

House Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Joy San Buenaventura, Vice Chair

Hearing: Thursday, April 2nd, 2015

Bill: SB1217 SD1 HD2

Testifier Position: **Support**

Honorable Chair Rhoads, Vice Chair San Buenaventura, and Committee members,

My name is Dr. Oponui and I am a naturopathic physician in private practice here in Honolulu. I would like to take this opportunity to express my strong **support** for SB1217 SD1 HD2.

The goal of this bill is to align state law with federal law which prohibits the exclusion of naturopathic physicians and other providers from providing health care coverage for medically necessary health care services covered by a private health insurer when provided by licensed health care providers acting within their scope of practice.

Naturopathic physicians are licensed in Hawaii as primary care providers (Hawaii Administrative Rules §16-88-81) and are capable of practicing safe, competent and effective medicine that favorably impacts health outcomes as would be expected from any provider delivering health care regardless of provider type. Exclusion of covered services provided by an entire provider type (naturopathic physicians) practicing entirely within their scope of practice goes against federal mandate (Section 2706 of the ACA) and should be clearly seen as discrimination.

Because the Insurance Commissioner has failed to enforce full compliance with Section 2706, enforcement provisions are essential to be amended into this bill to ensure punitive action against insurers that fail to comply. Non-compliance is a per se violation of Hawaii's Consumer Protection Act, HRS 480-2, which states: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful". I urge that this language be included into this bill. Another enforcement provision to consider would be to suspend plan participation in state public health programs for up to two years

Hawaii's private health insurers are not complying with federal law, so it is important for this bill to be passed to ensure that this continued discrimination is stopped. For these reasons, I am in strong supports of SB1217 SD1 HD2 and request that your committee vote in favor of this measure with the proposed added amendments.

In Health,
Landon Ka lau'ae na'i i na la ino Oponui, ND

LATE

| Submitted By | Organization | Testifier Position | Hearing |
|--------------|--------------|--------------------|---------|
| Gail Jackson | Individual | Support | No |

Comments: Aloha Representatives, Please pass this bill. Please include a method of enforcement, a fine seems appropriate. Since insurance coverage of Naturopaths is in the ACA, it is only right to enforce the provisions and not allow Hawaii insurance companies to discriminate. Alaska law requires insurance companies to not discriminate against Naturopaths. As an employee in Alaska and later as a retiree from state government I have Alaska insurance covering Naturopaths. I've been a Hawaii resident since 2002. Mahalo nui loa for all your hard work.

April 1, 2015

LATE

The Honorable **Rep. Karl Rhoads, Chair**

The Honorable **Rep. Joy A. San Buenaventura, Vice Chair**

House Committee on Consumer Protection and Commerce

Re: SB1217SD1HD2– Relating to Insurance - In Support

Dear Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Philip Lee Cochran III and I would like to urge your support for SB1217SD1HD2.

I am a patient of a naturopathic physician, Dr Corinne DeSoto. It is extremely unfair that my insurance company has discriminated against my doctor and me for years. Please correct this injustice by supporting passage of this bill. She provides equal if not better care than many of the MDs I have visited before and should receive equal opportunity by insurance companies.

Mahalo,

Lee Cochran

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Caree | Individual | Support | No |

Comments:

| Submitted By | Organization | Testif Positi | t |
|--------------|--------------|------------------|----|
| ROBERT DUERR | Individual | Support | No |

LATE

Comments: Please allow full insurance coverage for naturopathic and alternative healing. My family uses non-invasive and non-drug healing as a primary and first step to full health. We use traditional when needed. Please don't discriminate against us and people like us.