
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



1 participating naturopathic physicians who practice as primary
2 care providers on any publicly available list of participating
3 primary care providers; provided that the insurer retains the
4 right to determine the contracting criteria for a participating
5 primary care provider.

6 (c) The insurance commissioner shall receive and
7 investigate complaints regarding potential violations of the
8 nondiscrimination provisions established in section 2706 of the
9 Public Health Service Act, title 42 United States Code section
10 300gg-5.

11 (d) For the purposes of this section, "participating
12 naturopathic physician" means a naturopathic physician who has
13 contracted with the insurer to provide health care services to
14 the insurer's insureds."

15 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
16 amended by adding a new section to article 1 to be appropriately
17 designated and to read as follows:

18 "§432:1- Primary care provider; naturopathic physician.

19 (a) Each individual or group hospital or medical plan contract
20 delivered or issued for delivery in this State by a mutual
21 benefit society shall recognize naturopathic physicians licensed



1 pursuant to chapter 455 as participating providers and shall
2 include coverage for care provided by participating naturopathic
3 physicians practicing within the scope of their licenses for
4 purposes of health maintenance, diagnosis, or treatment to the
5 extent that the plan contract provides benefits for identical
6 services rendered by another health care provider.

7 (b) Notwithstanding any other law to the contrary, a
8 mutual benefit society may recognize a participating
9 naturopathic physician as a primary care provider if the
10 member's plan contract requires the selection of a primary care
11 provider. The mutual benefit society shall include
12 participating naturopathic physicians who practice as primary
13 care providers on any publicly available list of participating
14 primary care providers; provided that the mutual benefit society
15 retains the right to determine the contracting criteria for a
16 participating primary care provider.

17 (c) The insurance commissioner shall receive and
18 investigate complaints regarding potential violations of the
19 nondiscrimination provisions established in section 2706 of the
20 Public Health Service Act, title 42 United States Code section
21 300gg-5.



1 (d) For the purposes of this section, "participating
2 naturopathic physician" means a naturopathic physician who has
3 contracted with the mutual benefit society to provide health
4 care services to the society's members."

5 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
6 amended by adding a new section to article 2 to be appropriately
7 designated and to read as follows:

8 "§432:2- Primary care provider; naturopathic physician.

9 (a) Each benefit contract delivered or issued for delivery in
10 this State by a fraternal benefit society shall recognize
11 naturopathic physicians licensed pursuant to chapter 455 as
12 participating providers and shall include coverage for care
13 provided by participating naturopathic physicians practicing
14 within the scope of their licenses for purposes of health
15 maintenance, diagnosis, or treatment to the extent that the
16 benefit contract provides benefits for identical services
17 rendered by another health care provider.

18 (b) Notwithstanding any other law to the contrary, a
19 fraternal benefit society may recognize a participating
20 naturopathic physician as a primary care provider if the
21 member's benefit contract requires the selection of a primary



1 care provider. The fraternal benefit society shall include
2 participating naturopathic physicians who practice as primary
3 care providers on any publicly available list of participating
4 primary care providers; provided that the fraternal benefit
5 society retains the right to determine the contracting criteria
6 for a participating primary care provider.

7 (c) The insurance commissioner shall receive and
8 investigate complaints regarding potential violations of the
9 nondiscrimination provisions established in section 2706 of the
10 Public Health Service Act, title 42 United States Code section
11 300gg-5.

12 (d) For the purposes of this section, "participating
13 naturopathic physician" means a naturopathic physician who has
14 contracted with the fraternal benefit society to provide health
15 care services to the society's members."

16 SECTION 4. Section 431:10A-115.5, Hawaii Revised Statutes,
17 is amended by amending subsection (e) to read as follows:

18 "(e) For the purposes of this section, "child health
19 supervision services" means [~~physician delivered, physician-~~
20 ~~supervised, physician assistant delivered, or nurse delivered~~
21 ~~services as defined by section 457-2 ("registered nurse")]~~



1 services supervised by a physician or osteopathic physician
 2 licensed pursuant to chapter 453 or services delivered by a
 3 physician or osteopathic physician licensed pursuant to chapter
 4 453, a naturopathic physician licensed pursuant to chapter 455,
 5 or a registered nurse licensed pursuant to chapter 457 which
 6 shall include as the minimum benefit coverage for services
 7 delivered at intervals and scope stated in this section."

8 SECTION 5. Section 431:10A-116, Hawaii Revised Statutes,
 9 is amended to read as follows:

10 "**§431:10A-116 Coverage for specific services.** Every
 11 person insured under a policy of accident and health or sickness
 12 insurance delivered or issued for delivery in this State shall
 13 be entitled to the reimbursements and coverages specified below:

- 14 (1) Notwithstanding any provision to the contrary,
 15 whenever a policy, contract, plan, or agreement
 16 provides for reimbursement for any visual or
 17 optometric service, which is within the lawful scope
 18 of practice of a duly licensed optometrist, the person
 19 entitled to benefits or the person performing the
 20 services shall be entitled to reimbursement whether
 21 the service is performed by a licensed physician or by



1 a licensed optometrist. Visual or optometric services
2 shall include eye or visual examination, [~~or both,~~] or
3 a correction of any visual or muscular anomaly[~~]~~ and
4 the supplying of ophthalmic materials, lenses, contact
5 lenses, spectacles, eyeglasses, and appurtenances
6 thereto;

7 (2) Notwithstanding any provision to the contrary, for all
8 policies, contracts, plans, or agreements issued on or
9 after May 30, 1974, whenever provision is made for
10 reimbursement or indemnity for any service related to
11 surgical or emergency procedures, which is within the
12 lawful scope of practice of any practitioner licensed
13 to practice medicine in this State, reimbursement or
14 indemnification under the policy, contract, plan, or
15 agreement shall not be denied when the services are
16 performed by a dentist acting within the lawful scope
17 of the dentist's license;

18 (3) Notwithstanding any provision to the contrary,
19 whenever the policy provides reimbursement or payment
20 for any service, which is within the lawful scope of
21 practice of a psychologist licensed in this State, the



1 person entitled to benefits or performing the service
2 shall be entitled to reimbursement or payment [7]
3 whether the service is performed by a licensed
4 physician or licensed psychologist;

5 (4) Notwithstanding any provision to the contrary, each
6 policy, contract, plan, or agreement issued on or
7 after February 1, 1991, except for policies that only
8 provide coverage for specified diseases or other
9 limited benefit coverage, but including policies
10 issued by companies subject to chapter 431, article
11 10A, part II and chapter 432, article 1 shall provide
12 coverage for screening by low-dose mammography for
13 occult breast cancer as follows:

14 (A) For women forty years of age and older, an annual
15 mammogram; and

16 (B) For a woman of any age with a history of breast
17 cancer or whose mother or sister has had a
18 history of breast cancer, a mammogram upon the
19 recommendation of the woman's physician.

20 The services provided in this paragraph are
21 subject to any coinsurance provisions that may be in



1 force in these policies, contracts, plans, or
2 agreements.

3 For the purpose of this paragraph, the term "low-
4 dose mammography" means the x-ray examination of the
5 breast using equipment dedicated specifically for
6 mammography, including but not limited to the x-ray
7 tube, filter, compression device, screens, films, and
8 cassettes, with an average radiation exposure delivery
9 of less than one rad mid-breast, with two views for
10 each breast. An insurer may provide the services
11 required by this paragraph through contracts with
12 providers; provided that the contract is determined to
13 be a cost-effective means of delivering the services
14 without sacrifice of quality and meets the approval of
15 the director of health;

- 16 (5) (A) (i) Notwithstanding any provision to the
17 contrary, whenever a policy, contract, plan,
18 or agreement provides coverage for the
19 children of the insured, that coverage shall
20 also extend to the date of birth of any
21 newborn child to be adopted by the insured;



1 provided that the insured gives written
2 notice to the insurer of the insured's
3 intent to adopt the child prior to the
4 child's date of birth [~~or~~], within thirty
5 days after the child's birth, or within the
6 time period required for enrollment of a
7 natural born child under the policy,
8 contract, plan, or agreement of the insured,
9 whichever period is longer; provided further
10 that if the adoption proceedings are not
11 successful, the insured shall reimburse the
12 insurer for any expenses paid for the child;
13 and
14 (ii) Where notification has not been received by
15 the insurer prior to the child's birth or
16 within the specified period following the
17 child's birth, insurance coverage shall be
18 effective from the first day following the
19 insurer's receipt of legal notification of
20 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



1 adopted newborn in accord with the health
2 maintenance organization's usual enrollment
3 process if the newborn has been treated from
4 birth by a provider not contracting or
5 affiliated with the health maintenance
6 organization; and

7 (6) Notwithstanding any provision to the contrary, any
8 policy, contract, plan, or agreement issued or renewed
9 in this State shall provide reimbursement for services
10 within the respective allowable scope of practice
11 provided by advanced practice registered nurses
12 licensed pursuant to chapter 457[-] and naturopathic
13 physicians licensed pursuant to chapter 455. Services
14 rendered by advanced practice registered nurses and
15 naturopathic physicians are subject to the same policy
16 limitations generally applicable to health care
17 providers within the policy, contract, plan, or
18 agreement."

19 SECTION 6. Section 431:10A-120, Hawaii Revised Statutes,
20 is amended to read as follows:



1 "§431:10A-120 Medical foods and low-protein modified food
2 products; treatment of inborn error of metabolism; notice. (a)
3 Each policy of accident and health or sickness insurance, other
4 than life insurance, disability income insurance, and long-term
5 care insurance, issued or renewed in this State, each employer
6 group health policy, contract, plan, or agreement issued or
7 renewed in this State, all accident and health or sickness
8 insurance policies issued or renewed in this State, all policies
9 providing family coverages as defined in section 431:10A-103,
10 and all policies providing reciprocal beneficiary family
11 coverage as defined in section 431:10A-601, shall contain a
12 provision for coverage for medical foods and low-protein
13 modified food products for the treatment of an inborn error of
14 metabolism for its policyholders or dependents of the
15 policyholder in this State; provided that the medical food or
16 low-protein modified food product is:

17 (1) Prescribed as medically necessary for the therapeutic
18 treatment of an inborn error of metabolism; and

19 (2) Consumed or administered enterally under the
20 supervision of a physician or osteopathic physician



1 licensed under chapter 453 [-] or a naturopathic
2 physician licensed under chapter 455.

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

6 (b) Every insurer shall provide notice to its
7 policyholders regarding the coverage required by this section.
8 The notice shall be in writing and prominently placed in any
9 literature or correspondence sent to policyholders [~~and shall be~~
10 ~~transmitted to policyholders during calendar year 2000 when~~
11 ~~annual information is made available to policyholders, or in any~~
12 ~~other mailing to policyholders, but in no case later than~~
13 ~~December 31, 2000~~].

14 (c) For the purposes of this section:

15 "Inborn error of metabolism" means a disease caused by an
16 inherited abnormality of the body chemistry of a person that is
17 characterized by deficient metabolism, originating from
18 congenital defects or defects arising shortly after birth, of
19 amino acid, organic acid, carbohydrate, or fat.

20 "Low-protein modified food product" means a food product
21 that:



- 1 (1) Is specially formulated to have less than one gram of
2 protein per serving;
- 3 (2) Is prescribed or ordered by a physician [øæ],
4 osteopathic physician, or naturopathic physician as
5 medically necessary for the dietary treatment of an
6 inborn error of metabolism; and
- 7 (3) Does not include a food that is naturally low in
8 protein.

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

16 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,
17 is amended by amending subsection (e) to read as follows:

18 "(e) For the purposes of this section, "child health
19 supervision services" means [~~physician-delivered, physician-~~
20 ~~supervised, physician assistant-delivered, or nurse-delivered~~
21 ~~services as defined by section 457-2 ("registered nurse"),]~~



1 services supervised by a physician or osteopathic physician
2 licensed pursuant to chapter 453 or services delivered by a
3 physician or osteopathic physician licensed pursuant to chapter
4 453, a naturopathic physician licensed pursuant to chapter 455,
5 or a registered nurse licensed pursuant to chapter 457 which
6 shall include as the minimum benefit coverage for services
7 delivered at intervals and scope stated in this section."

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

10 "(e) For the purposes of this section, "child health
11 supervision services" means [~~physician delivered, physician-~~
12 ~~supervised, physician assistant delivered, or nurse delivered~~
13 ~~services as defined by section 457-2 ("registered nurse"),]~~

14 services supervised by a physician or osteopathic physician
15 licensed pursuant to chapter 453 or services delivered by a
16 physician or osteopathic physician licensed pursuant to chapter
17 453, a naturopathic physician licensed pursuant to chapter 455,
18 or a registered nurse licensed pursuant to chapter 457 which
19 shall include as the minimum benefit coverage for services
20 delivered at intervals and scope stated in this section."



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

3 "§432:1-609 Medical foods and low-protein modified food
4 products; treatment of inborn error of metabolism; notice. (a)
5 All individual and group hospital and medical service plan
6 contracts and medical service corporation contracts under this
7 chapter shall provide coverage for medical foods and low-protein
8 modified food products for the treatment of an inborn error of
9 metabolism for its members or dependents of the member in this
10 State; provided that the medical food or low-protein modified
11 food product is:

- 12 (1) Prescribed as medically necessary for the therapeutic
13 treatment of an inborn error of metabolism; and
14 (2) Consumed or administered enterally under the
15 supervision of a physician or osteopathic physician
16 licensed under chapter 453 [-] or a naturopathic
17 physician licensed under chapter 455.

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



1 (b) Every mutual benefit society shall provide notice to
2 its members 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 members [~~and shall be~~
5 ~~transmitted to members during calendar year 2000 when annual~~
6 ~~information is made available to members, or in any other~~
7 ~~mailing to members, but in no case later than December 31,~~
8 2000].

9 (c) For the purposes of this section:

10 "Born 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 [e~~r~~],
20 osteopathic physician, or naturopathic physician as



1 medically necessary for the dietary treatment of an
2 inherited metabolic disease; and

3 (3) Does not include a food that is naturally low in
4 protein.

5 "Medical food" means a food that is formulated to be
6 consumed or administered enterally under the supervision of a
7 physician [~~e~~], osteopathic physician, or naturopathic physician
8 and is intended for the specific dietary management of a disease
9 or condition for which distinctive nutritional requirements,
10 based on recognized scientific principles, are established by
11 medical evaluation."

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

15 ""Provider" means any physician, naturopathic physician
16 practicing within the scope of licensure, hospital, or other
17 person licensed or otherwise authorized to furnish health care
18 services."

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



1 "§432D-23 Required provisions and benefits.
2 Notwithstanding any provision of law to the contrary, each
3 policy, contract, plan, or agreement issued in the State after
4 January 1, 1995, by health maintenance organizations pursuant to
5 this chapter, shall include benefits provided in sections
6 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
7 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
8 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
9 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~]
10 431:10A- , and chapter 431M."

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

13 SECTION 13. This Act shall take effect on June 1, 2050.



Report Title:

Naturopathic Physicians; Health Insurance; Primary Care; Non-discrimination

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. Requires the insurance commissioner to receive and investigate complaints regarding discrimination with respect to participation under a health insurance plan against any health care provider. Effective 6/1/2050. (SD2)

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

