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# A BILL FOR AN ACT

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RELATING TO INSURANCE.

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

1           SECTION 1. Critically ill patients in Hawaii may require  
2 treatment on the continental United States. The cost of  
3 transportation by an air ambulance can be a significant  
4 financial burden that may not be covered by insurance.

5 Commercial flights are not an option because the patient  
6 requires life supporting equipment and a medical support team.

7           For patients requiring transportation to the continental  
8 United States, their only options are to mortgage their homes,  
9 drain retirement savings, borrow from family or friends, or  
10 establish a Gofundme.com campaign to raise funds. During the  
11 time that a family is fundraising for a sick loved one, the  
12 patient's condition can deteriorate rapidly and reduce the  
13 chance of recovery. In addition, if the delay is too great,  
14 then the accepting facility may give the patient's bed to  
15 another individual and the patient is forced to find another  
16 accepting facility.



1       The legislature finds that Medicaid currently covers the  
2 cost of transportation for Hawaii's most needy families, but  
3 those who are middle-income earners and working full-time do not  
4 receive coverage for the cost of transportation to the  
5 continental United States. The legislature also finds that due  
6 to Hawaii's unique position in the middle of the Pacific Ocean,  
7 residents deserve to receive life-saving medical care that is  
8 not available in the State.

9       The purpose of this Act is to ensure the provision of  
10 quality health care by requiring insurance coverage for the  
11 costs of transportation to the continental United States for  
12 qualifying patients.

13       SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
14 amended by adding a new section to article 10A to be  
15 appropriately designated and to read as follows:

16       "§431:10A-       Qualifying patients; transportation cost  
17 coverage. Notwithstanding any law to the contrary, each policy  
18 of accident and health or sickness insurance issued or renewed  
19 in this State after December 31, 2018, providing coverage for  
20 health care, except for policies that only provide coverage for  
21 specified diseases or other limited benefit coverage, shall



1 provide coverage for the costs of transportation to the  
2 continental United States for qualifying patients.

3 For purposes of this section, "qualifying patient" means a  
4 patient that meets all of the following criteria:

5 (1) The patient displays a high risk of imminent death  
6 with optimal available treatment in the State;

7 (2) The patient has a diagnosis of a potentially  
8 reversible disease or is a potential candidate for a  
9 heart or lung, or both, transplant, destination  
10 ventricular assist device, or total artificial heart;

11 (3) The necessary treatment for the patient is not  
12 available in the State;

13 (4) The patient shall not have any known absolute  
14 contraindications to the out-of-state treatment being  
15 sought;

16 (5) The patient is not being transported for the sole  
17 purpose of cancer treatment or bone marrow transplant;  
18 and

19 (6) There is a receiving medical facility that has an  
20 accepting medical team and support capability to  
21 mitigate the immediate risk of death."



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

**"§432:1- Qualifying patients; transportation cost coverage.** Notwithstanding any law to the contrary, each hospital and medical service plan contract issued or renewed in this State after December 31, 2018, shall provide coverage for the costs of transportation to the continental United States for qualifying patients.

For purposes of this section, "qualifying patient" means a patient that meets all of the following criteria:

- (1) The patient displays a high risk of imminent death with optimal available treatment in the State;
- (2) The patient has a diagnosis of a potentially reversible disease or is a potential candidate for a heart or lung, or both, transplant, destination ventricular assist device, or total artificial heart;
- (3) The necessary treatment for the patient is not available in the State;



(4) The patient shall not have any known absolute contraindications to the out-of-state treatment being sought;

(5) The patient is not being transported for the sole purpose of cancer treatment or bone marrow transplant; and

(6) There is a receiving medical facility that has an accepting medical team and support capability to mitigate the immediate risk of death."

SECTION 4. Section 432D-23, Hawaii Revised Statutes, is amended to read as follows:

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

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



1       SECTION 5. Notwithstanding section 432D-23, Hawaii Revised  
2 Statutes, the coverage and benefits for the transportation costs  
3 for qualifying patients provided by health maintenance  
4 organizations under section 4 of this Act shall apply to all  
5 policies, contracts, plans, or agreements issued or renewed in  
6 this State by a health maintenance organization after December  
7 31, 2018.

8       SECTION 6. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10       SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Insurance Coverage; Transportation Costs; Qualifying Patients

**Description:**

Requires insurance coverage after December 31, 2018, for the costs of transportation to the continental United States for qualifying patients. (HB687 HD1 PROPOSED)

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