

SB 738

SD1, HD1

A BILL FOR AN ACT

RELATING TO HEALTH CARE PRACTITIONERS.

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

1 SECTION 1. The legislature finds that an estimated one in
2 five hundred children in the State are born with orofacial
3 anomalies, such as cleft lip or cleft palate. The legislature
4 further finds that orthodontic services, such as reconstructive
5 surgery, can assist individuals with orofacial anomalies by
6 addressing functional deficiencies in chewing, swallowing,
7 respiration, and speech, as well as unstable or malpositioned
8 oral structures, premature tooth loss, and other health
9 problems. In response to individuals and families who lacked
10 access to orthodontic treatment of orofacial anomalies, Act 213,
11 Session Laws of Hawaii 2015 (Act 213), was enacted to require
12 health insurance coverage of medically necessary orthodontic
13 services for the treatment of certain orofacial anomalies.
14 Under the definition of "orthodontic services" in Act 213, the
15 services are required to be provided by a licensed dentist with
16 a certification in orthodontics by the American Board of
17 Orthodontics (ABO).



1 However, the legislature notes that of the approximately
 2 forty orthodontists in the State, only eleven are certified by
 3 the ABO. Furthermore, of the eleven orthodontists with an ABO
 4 certification, only a few have performed the medically necessary
 5 orthodontic services for treatment of orofacial anomalies
 6 described in sections 431:10A-132 and 432:1-613, Hawaii Revised
 7 Statutes, and only in limited circumstances. The legislature
 8 also notes that a certification by the ABO is voluntary and not
 9 required to practice orthodontics in the State.

10 The purpose of this Act is to expand the pool of
 11 orthodontists who are eligible to perform orthodontic services
 12 for treatment of orofacial anomalies, covered by health
 13 insurance, to any licensed dentist who has completed an
 14 orthodontic residency program.

15 SECTION 2. Section 431:10A-132, Hawaii Revised Statutes,
 16 is amended by amending subsection (h) to read as follows:

17 "(h) As used in this section, unless the context clearly
 18 requires otherwise:

19 "Orofacial anomalies" means cleft lip or cleft palate and
 20 other birth defects of the mouth and face affecting functions
 21 such as eating, chewing, speech, and respiration.



1 "Orthodontic services" mean direct or consultative services
2 provided by a licensed dentist [~~with a certification in~~
3 ~~orthodontics by the American Board of Orthodontics.~~] who has
4 completed an orthodontic residency program accredited by the
5 Commission on Dental Accreditation.

6 "Treatment of orofacial anomalies" includes the care
7 prescribed, provided, or ordered for an individual diagnosed
8 with an orofacial anomaly by a craniofacial team that includes a
9 licensed dentist, orthodontist, oral surgeon, and physician, and
10 is coordinated between specialists and providers."

11 SECTION 3. Section 432:1-613, Hawaii Revised Statutes, is
12 amended by amending subsection (g) to read as follows:

13 "(g) As used in this section, unless the context clearly
14 requires otherwise:

15 "Orofacial anomalies" means cleft lip or cleft palate and
16 other birth defects of the mouth and face affecting functions
17 such as eating, chewing, speech, and respiration.

18 "Orthodontic services" means direct or consultative
19 services provided by a licensed dentist [~~with a certification in~~
20 ~~orthodontics by the American Board of Orthodontics.~~] who has



1 completed an orthodontic residency program accredited by the
2 Commission on Dental Accreditation.

3 "Treatment of orofacial anomalies" includes the care
4 prescribed, provided, or ordered for an individual diagnosed
5 with an orofacial anomaly by a craniofacial team that includes a
6 licensed dentist, orthodontist, oral surgeon, and physician, and
7 is coordinated between specialists and providers."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

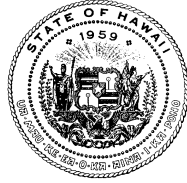
Health Care Practitioners; Orthodontic Services; Orofacial Anomalies; Health Insurance; Covered Services

Description:

Expands the pool of orthodontists who are eligible to perform medically necessary orthodontic services for treatment of certain orofacial anomalies covered by health insurance. (SB738 HD1)

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





STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on S.B. 738 H.D. 1
RELATING TO HEALTH CARE PRACTITIONERS.

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: March 21, 2018 Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health appreciates the intent of this bill and offers
3 comments on S.B. 738 H.D. 1. This measure will expand the pool of orthodontists who are
4 eligible to perform orthodontic services for treatment of orofacial anomalies for which health
5 insurance coverage is required to any licensed dentist who has completed an orthodontic
6 residency program. Orthodontic services provided by a licensed dentist who has completed an
7 orthodontic residency program accredited by the Commission on Dental Accreditation (CODA)
8 will assure quality of services for this special needs population.

9 Thank you for the opportunity to testify on this bill.



An Independent Licensee of the Blue Cross and Blue Shield Association

March 21, 2018

The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB 738, SD1, HD1 – Relating to Health Care Practitioners

Dear Chair Takumi, Vice Chair Ichiyama, and Members of the Committee:

The Hawaii Medical Association (HMSA) appreciates the opportunity to testify on SB 738, proposed SD1, HD1, which seeks to expand the pool of orthodontists who are eligible to perform medically necessary orthodontic services for the treatment of certain orofacial anomalies for which health insurance coverage is mandatory.

HMSA recognizes the importance of this benefit to children born with orofacial anomalies like cleft palate and, and as such, we worked closely with the stakeholder community in reaching compromise on Act 213 (2015). This Bill amends the existing definition of "orthodontic services" by clarifying that direct or consultative services shall be provided by a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation. HMSA appreciates the previous amendments to the bill and has no objections to them at this time.

Thank you for allowing us to testify on this measure.

Sincerely,

Jennifer Diesman
Senior Vice-President-Government Relations



Hawaii Chapter

AAP - Hawaii Chapter

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March 20, 2018

Thank you for this opportunity to testify *to support SB 738* which will expand the pool of eligible orthodontist by changing the definition or orthodontic services as "direct or consultative services provided by a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation".

The purpose of this bill is to clarify the definition of "orthodontist" in ACT 213, an insurance law passed in 2015 which requires commercial / private insurers to provide a benefit for medically necessary orthodontic treatment for children and youth born with orofacial anomalies such as cleft lip and palate.

Implementation of Act 213 began in 2016 and private insurers began to provide medical benefit for orthodontic treatment. However, denials for coverage began in 2017 due to the definition of "orthodontist" as a dentist who is board certified by the American Board of Orthodontists (ABO). ABO certification is not required to practice orthodontics in Hawaii. Of 40 orthodontists, only 11 have voluntary board certification.

The Hawaii Chapter of the American Academy of Pediatrics (AAP) is a voluntary organization of over 200 pediatricians in Hawaii. Our mission is to attain optimal physical, mental and social health and well being for infants, children, adolescents and young adults in Hawaii.

We strongly support SB 738.

Respectfully,

A handwritten signature in black ink that reads "Mae S I Kyono".

Mae S I Kyono, MD
American Academy of Pediatrics, Hawaii Chapter
President

Wednesday, March 21, 2018 at 2:15 pm
Conference Room 329

House Committee on Consumer Protection & Commerce

To: Representative Roy Takumi, Chair
Representative Linda Ichiyama, Vice Chair

From: Michael Robinson
Vice President – Government Relations & Community Affairs

Re: SB 738, SD1, HD1 – Comments

My name is Michael Robinson, and I am the Vice President of Government Relations and Community Affairs at Hawai'i Pacific Health (HPH). Hawai'i Pacific Health is a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care. Its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox – specialize in innovative programs in women's health, pediatric care, cardiovascular services, cancer care, bone and joint services and more. Hawai'i Pacific Health is recognized nationally for its excellence in patient care and the use of electronic health records to improve quality and patient safety.

SB 738, SD1, HD1 amends the definition of "orthodontic services" and expands the pool of orthodontists who are eligible to perform orthodontic services for the treatment of orofacial anomalies for which health insurance coverage is required. With the expended definition, a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation may perform the procedures needed to correct orofacial anomalies. HPH is aware of the issues stemming from the limited number of orthodontists who perform the corrective procedures and who are certified by the American Board of Orthodontics (ABO). We note that the original bill leading to the passage of "Anya's Law" resulted from the collaborative efforts of HPH, the Department of Health (DOH) and HMSA. HPH is committed to continuing to work with DOH, HMSA and other stakeholders in an effort to reach a mutually agreeable solution.

Thank you for this opportunity to testify.

SB-738-HD-1

Submitted on: 3/20/2018 1:59:09 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lifetime of Smiles Hawaii	Lifetime of Smiles Hawaii	Support	No

Comments:

Twenty-Ninth Legislature, 2018
State of Hawaii

Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

Lifetime of Smiles Hawaii, a family support group
Lifetimeofsmileshi@gmail.com

Wednesday, March 21, 2018

Support for SB738 SD1 HD1

Dear Chair Takumi, Vice Chair Ichiyama and members of the committee,

Lifetime of Smiles Hawaii is a support group for families and caregivers of children who are born with orofacial anomalies. We are testifying in strong support of SB739 SD1 HD1, which would expand the number of orthodontists eligible to perform the medically necessary orthodontic services described in section 431:10A-132, Hawaii Revised Statutes.

Thank you for the opportunity to testify in support of SB738 SD1 HD1.

Respectfully submitted,
Lifetime of Smiles Hawaii Ohana

SB-738-HD-1

Submitted on: 3/20/2018 1:59:09 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lifetime of Smiles Hawaii	Lifetime of Smiles Hawaii	Support	No

Comments:

Twenty-Ninth Legislature, 2018
State of Hawaii

Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

Lifetime of Smiles Hawaii, a family support group
Lifetimeofsmileshi@gmail.com

Wednesday, March 21, 2018

Support for SB738 SD1 HD1

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Thank you for the opportunity to testify in support of SB738 SD1 HD1.

Respectfully submitted,
Lifetime of Smiles Hawaii Ohana

SB-738-HD-1

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Comments:

Twenty-Ninth Legislature, 2018
State of Hawaii

Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

Lifetime of Smiles Hawaii, a family support group
Lifetimeofsmileshi@gmail.com

Wednesday, March 21, 2018

Support for SB738 SD1 HD1

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Thank you for the opportunity to testify in support of SB738 SD1 HD1.

Respectfully submitted,
Lifetime of Smiles Hawaii Ohana

SB-738-HD-1

Submitted on: 3/19/2018 4:36:31 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vince Yamashiroya, MD	Individual	Support	No

Comments:

SB-738-HD-1

Submitted on: 3/19/2018 6:26:36 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kathleen mishina	Individual	Support	No

Comments:

I am a retired public health nurse from the Big Island and have worked with families whose children require stage orthodontic interventions due to cranio-facial conditions, predominantly cleft palate. This bill will increase the numbers of orthodontists who can provide care locally to families in their own communities, rather than traveling to Honolulu. This measure removes physical barrier to care and reduces costs of air travel due to medical care for both families as well as health insurance companies.

Sincerely,

Kathleen Mishina, RN, BSN, MPH

SB-738-HD-1

Submitted on: 3/20/2018 8:56:44 AM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alma Sakagawa	Individual	Support	No

Comments:

I support expanding the pool of orthodontists for Oahu as well as the outer islands
SB8738

SB-738-HD-1

Submitted on: 3/19/2018 6:39:44 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Matsumoto	Individual	Support	No

Comments:

I strongly support SB 738 which will expand the pool of orthodontists who are eligible to perform the medically necessary orthodontic treatment for these special needs children and youth born with orofacial birth defects. This bill will assure timely access to care that is required by law. This is very important for neighbor island families as they will be able to access treatment from qualified orthodontists in their community and avoid disruptive and expensive trips off island in order to obtain appropriate care.

Eileen Matsumoto, R.N.

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION
AND COMMERCE**

RE: SB 738 HD1 Relating to Health Care Practitioners

Tuesday, March 20, 2018

Dear Chair Rep. Roy Takumi and Vice Chair Rep. L. Ichiyama, and Members of the Committee,

My name is Kim Virtudazo. I am a teacher at James Campbell High School in Ewa Beach and a mother of two amazing kids, Logan who is 6 and Lily who is 3. I am submitting testimony in SUPPORT of SB738, which would expand the pool of orthodontists eligible to perform the medically necessary orthodontic services described in section 431:10A-132, Hawaii Revised Statutes.

When HB 174 was introduced several years ago, my son Logan sat on my lap as we testified in person in support of this measure. When it was passed, our family was lucky enough to be invited to the public signing. Here in Hawaii, we are fortunate to have lots of qualified Orthodontists to perform these medically necessary procedures. Unfortunately, as the law is written, not all of these doctors are covered by our private medical insurance. By limiting the doctors who can perform these procedures, it limits families and their options. It also affects the quality of care and the timeliness of these procedures. This law was intended to help as many children as possible, so please allow this law to help as many people as it was intended to by passing SB 738.

So today, I ask that you SUPPORT SB 738, so that the law can help all of the intended children across the state.

Thank you for your time and consideration,

Kim Virtudazo, Ewa Beach

SB-738-HD-1

Submitted on: 3/20/2018 11:36:54 AM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Luke and Rachel Miyata	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Chair Roy M. Takumi and Vice Chair Linda Ichiyama

My name is Brandon Luke and Rachel Miyata and we would like to thank you for the opportunity to testify to support SB 738 SD1 which will expand the pool of eligible orthodontists by changing the definition of orthodontic services as “direct or consultative services provided by a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation.”

Hawaii Island continues to experience critical and worsening shortages of medical and dental specialists. Please support families with children and youth born with cleft and orofacial anomalies, especially on the Neighbor Islands, by expanding the pool of orthodontists eligible to provide medically necessary consultation and treatment they need.

Thank you,

Brandon Luke and Rachel Miyata

SB-738-HD-1

Submitted on: 3/20/2018 11:53:31 AM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Grace Miyata	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Chair Roy M. Takumi and Vice Chair Linda Ichiyama

Thank you for the opportunity to testify to support SB 738 SD1 which will expand the pool of eligible orthodontists by changing the definition of orthodontic services as “direct or consultative services provided by a licensed dentist who has completed an orthodontic residency program accredited by the Commission on Dental Accreditation.”

My name is Grace Miyata and I have been a medical social worker on Hawaii Island for over thirty years. The many Hawaii Island families of children and youth born with cleft and orofacial anomalies and I celebrated the passage of Anya’s Law (HB 174, 2015). Private insurers began covering medically necessary orthodontic treatment. In 2017, Hawaii Island began experiencing denials for coverage once again, because the definition of “orthodontist” required American Board of Orthodontists (ABO) certification even if ABO certification is not required to practice orthodontics in Hawaii. Hawaii Island does not have any orthodontists with this voluntary board certification. Neighbor Islanders continue to face a worsening shortage of medical and dental specialists. Please support SB 738 SD1 and expand the pool of eligible orthodontists to perform medically necessary orthodontic services for our children and youth born with cleft and orofacial anomalies.

Sincerely,

Grace Miyata, LSW

Twenty-Ninth Legislature, 2018
State of Hawaii

Representative Roy M Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

Ann Miyasato
522 Kalolina Street
Kailua, HI 96734

March 20, 2018

Support for SB738 SD1 HD1

I am a mother of a 2 year old child who was born with a cleft cheek, rendering her with smaller and shorter lower jaw on one side. I am submitting this letter as a testimony **in support of SB738 SD1 HD1**, which would expand the number of orthodontists eligible to perform the medically necessary orthodontic services described in section 431:10A-132, Hawaii Revised Statutes.

Despite following all recommended prenatal care without any deviation and no family history of risks, my child was born with a lateral cleft, Tessier cleft type 7. This type of cleft is the rarest of facial anomalies. Although the reported incidence of cleft lip is 1 in 3000-5000, the incidence of lateral cleft lip is 1 in 100,000-300,000 and constitutes about 0.3-1% of all facial clefts. Even assuming the best possible outcome of my daughter's development, it is apparent she will require orthodontic services to help align her lower teeth to allow proper chewing of food.

By including language that requires a licensed dentist with a certification in orthodontics by the American Board of Orthodontics for "Orthodontic Services", it unnecessarily limits the number of Orthodontists that can perform the "medically necessary" orthodontic treatments for individuals with orofacial anomalies.

- A certification by the American Board of Orthodontics (ABO) is voluntary and not required to practice Orthodontics.
- There are approximately 40 Orthodontists in the State of Hawaii and only 11 have the ABO certification.
- Of the 11 that have the ABO certification, only a few have performed the "medically necessary" orthodontic procedures for individuals with orofacial anomalies, and only in limited circumstances.

As my child's strongest advocate, I would like to be able to have the best qualified person to treat her rare condition. I beseech you to pass bill **SB738 SD1 HD1** to give all the children in Hawaii an opportunity to take care of these medical issues so that they can focus on fulfilling their future potential as adults, to the betterment of our society, instead of forced to deal with any long term health repercussions of no or subpar treatments. Thank you so much for your time to read and consider my plea.

Sincerely,



SB-738-HD-1

Submitted on: 3/20/2018 3:29:05 PM

Testimony for CPC on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Pestel Maga	Individual	Support	No

Comments:

Twenty-Ninth Legislature, 2018
State of Hawaii

Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection and Commerce

The Maga Family – Anya, Jason and Michelle
michellepestelmaga@gmail.com

Wednesday, March 21, 2018

Support for SB738 SD1 HD1

Dear Chair Takumi, Vice Chair Ichiyama and members of the committee,

We are the Maga family, Anya, Jason and Michelle. We are testifying in strong support of SB738 SD1 HD1, which would expand the number of orthodontists eligible to perform the medically necessary orthodontic services described in section 431:10A-132, Hawaii Revised Statutes. Anya was born with a cleft lip & palate and requires these medically necessary orthodontic services.

Care for our unique keiki takes a skilled team of individuals. For our family, the most important question when we are making decisions about Anya's team is, do they have prior or current experience with cleft lip/cleft palate patients. We made our decision on Anya's Orthodontist based on their day-to-day experience with cleft and craniofacial patients and involvement with the Cleft and Craniofacial Clinic. We are fortunate that we reside on Oahu, where there is a greater number of Orthodontists to make a decision from. Anya is currently in the middle of phase 1 of her orthodontic treatment and just recently completed her bone graft surgery. Now that Anya has been through part of phase 1 of her orthodontics, we understand how important those appointments are to track growth of the patient and create their unique timeline of care.

We stand in strong support of SB738 SD1 HD1. Thank you for the opportunity to submit testimony.

Respectfully submitted,
Anya Maga, Jason Maga, Michelle Pestel-Maga