
A BILL FOR AN ACT

RELATING TO DELAY IN PRIOR APPROVAL FOR MEDICAL SERVICES.

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

1 SECTION 1. Prior approval for medical services, also known
2 as precertification or preauthorization, refers to health
3 insurer requirements that certain physician-ordered treatments
4 or services must be approved in advance by the insurer or by a
5 medical review service contracted by the insurer before the
6 insurer will provide final reimbursement or payment. The
7 process of obtaining preauthorization for medical services may
8 hamper the ability of health care providers to provide the
9 necessary treatments to their patients and may also be one of
10 the factors in the shortage of doctors in the State.

11 The legislature finds that it is in the best interest of
12 the State to ensure that preauthorization requirements do not
13 negatively impact the health of Hawaii residents.

14 The purpose of this Act is to exempt health care providers
15 from civil liability in the case of the provider's patient
16 receiving any injury or worsening of a health condition while
17 awaiting preauthorization for medical services or treatment.



1 SECTION 2. Chapter 671, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§671- Preauthorization; civil liability; exemption.

5 Notwithstanding any provision of the law to the contrary, a
6 licensed healthcare provider shall not be subject to any civil
7 liability for any injury to or for the exacerbation or worsening
8 of a health condition of a patient under the provider's care
9 while obtaining authorization from an insurer to provide medical
10 services or treatment for that patient."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten signatures: Roy M. Hall, Paolo Antonilla, Richard Long, Jon Ben, and others]



H.B. NO. 1463

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Report Title:

Liability; Preauthorization; Health Insurance; Exemption

Description:

Exempts health care providers from civil liability in the case of the provider's patient receiving any injury or worsening of a health condition while awaiting insurer preauthorization for medical services or treatment.

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