
A BILL FOR AN ACT

RELATED TO INSURANCE.

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

1 SECTION 1. The legislature finds that critically ill
2 patients in Hawaii may require treatment on the continental
3 United States. The cost of transportation by an air ambulance
4 can be a significant financial burden that may not be covered by
5 insurance. Commercial flights are not an option because the
6 patient requires life-supporting equipment and a medical support
7 team.

8 For some patients requiring transportation to the
9 continental United States, their only options are to mortgage
10 their homes, drain retirement savings, borrow from family or
11 friends, or establish an online campaign to raise funds. During
12 the time that a family is fundraising for a sick loved one, the
13 patient's condition can deteriorate rapidly and reduce the
14 chance of recovery. In addition, if the delay is too great,
15 then the accepting facility may give the patient's bed to
16 another individual and the patient is forced to find another
17 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 enrolled in private health insurance, often
4 middle-income earners and working full-time, are not covered for
5 the cost of transportation to the continental United States.

6 The legislature also finds that due to Hawaii's unique position
7 in the middle of the Pacific Ocean, residents deserve to receive
8 life-saving medical care that is 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 medically necessary transportation to the continental
12 United States for qualifying patients.

13 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
14 amended by adding a new section to part I of 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, 2019, providing coverage for
20 health care, except for policies that only provide coverage for
21 specified diseases or other limited benefit coverage, shall



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1 provide coverage for the costs of medically necessary
2 transportation from the State to the continental United States
3 for qualifying patients for the purpose of obtaining treatment.

4 For purposes of this section, "qualifying patient" is
5 defined by a medical provider's team as a patient that meets all
6 of the following criteria:

- 7 (1) The patient displays a high risk of imminent death
8 despite optimal available treatment in the State;
9 (2) The patient has a diagnosis of a potentially
10 reversible disease or is a potential candidate for a
11 heart or lung, or both, transplant, destination
12 ventricular assist device, or total artificial heart;
13 (3) The out-of-state treatment is a medical necessity for
14 the patient, as defined in chapter 432E, and is not
15 available in the State;
16 (4) The patient has no known absolute contraindications to
17 the out-of-state treatment being sought;
18 (5) The patient does not have end stage dementia, anoxic
19 brain injury, terminal cancer, or a premorbid
20 condition with a short term expected survival; and



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1 (6) The patient is not being transported for the sole
2 purpose of cancer treatment or bone marrow
3 transplant."

4 SECTION 3. Chapter 431, Hawaii Revised Statutes, is
5 amended by adding a new section to part II of article 10A to be
6 appropriately designated and to read as follows:

7 "§431:10A- Qualifying insureds; transportation cost
8 coverage. Notwithstanding any law to the contrary, each policy
9 of group and blanket disability insurance issued or renewed in
10 this State after December 31, 2019, providing coverage for
11 health care, except for policies that only provide coverage for
12 specified diseases or other limited benefit coverage, shall
13 provide coverage for the costs of medically necessary
14 transportation from the State to the continental United States
15 for qualifying insureds for the purpose of obtaining treatment.

16 For purposes of this section, "qualifying insured" is
17 defined by a medical provider's team as a patient that meets all
18 of the following criteria:

19 (1) The patient displays a high risk of imminent death
20 despite optimal available treatment in the State;



- 1 (2) The patient has a diagnosis of a potentially
2 reversible disease or is a potential candidate for a
3 heart or lung, or both, transplant, destination
4 ventricular assist device, or total artificial heart;
- 5 (3) The out-of-state treatment is a medical necessity for
6 the patient, as defined in chapter 432E, and is not
7 available in the State;
- 8 (4) The patient has no known absolute contraindications to
9 the out-of-state treatment being sought;
- 10 (5) The patient does not have end stage dementia, anoxic
11 brain injury, terminal cancer, or a premorbid
12 condition with a short term expected survival; and
- 13 (6) The patient is not being transported for the sole
14 purpose of cancer treatment or bone marrow
15 transplant."

16 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
17 amended by adding a new section to part VI of article I to be
18 appropriately designated and to read as follows:

19 "§432:1- Qualifying patients; transportation cost
20 coverage. Notwithstanding any law to the contrary, each
21 hospital and medical service plan contract issued or renewed in



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1 this State after December 31, 2019, shall provide coverage for
2 the costs of medically necessary transportation from the State
3 to the continental United States for qualifying patients for the
4 purpose of obtaining treatment.

5 For purposes of this section, "qualifying patient" is
6 defined by a medical provider's team as a patient that meets all
7 of the following criteria:

- 8 (1) The patient displays a high risk of imminent death
9 despite optimal available treatment in the State;
- 10 (2) The patient has a diagnosis of a potentially
11 reversible disease or is a potential candidate for a
12 heart or lung, or both, transplant, destination
13 ventricular assist device, or total artificial heart;
- 14 (3) The out-of-state treatment is a medical necessity for
15 the patient, as defined in chapter 432E, and is not
16 available in the State;
- 17 (4) The patient has no known absolute contraindications to
18 the out-of-state treatment being sought;
- 19 (5) The patient does not have end stage dementia, anoxic
20 brain injury, terminal cancer, or a premorbid
21 condition with a short term expected survival; and



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1 (6) The patient is not being transported for the sole
2 purpose of cancer treatment or bone marrow
3 transplant."

4 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§432D-23 Required provisions and benefits.**

7 Notwithstanding any provision of law to the contrary, each
8 policy, contract, plan, or agreement issued in the State after
9 January 1, 1995, by health maintenance organizations pursuant to
10 this chapter, shall include benefits provided in sections
11 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
12 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,
13 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,
14 431:10A-132, 431:10A-133, 431:10A-134, 431:10A-140, and
15 [~~431:10A-134~~] 431:10A- , and chapter 431M."

16 SECTION 6. Notwithstanding section 432D-23, Hawaii Revised
17 Statutes, the coverage and benefits for the medically necessary
18 transportation costs for qualifying patients provided by health
19 maintenance organizations under section 4 of this part shall
20 apply to all policies, contracts, plans, or agreements issued or



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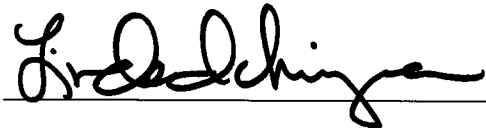
1 renewed in this State by a health maintenance organization after
2 December 31, 2019.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 22 2019



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Report Title:

Insurance Coverage; Transportation Costs; Medical Necessity;
Qualifying Patients; Mandated Coverage

Description:

Requires insurance coverage after December 31, 2019, for the costs of transportation to the continental United States for medically necessary treatment for qualifying patients.

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