
A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR PORT-WINE STAINS.

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

1 SECTION 1. The legislature finds that port-wine stain is a
2 discoloration of the human skin caused by a vascular anomaly,
3 namely a capillary malformation in the skin. A port-wine stain
4 is usually a birthmark, but in rare cases it can develop in
5 early childhood. Studies have recorded an incidence of three-
6 to-five cases per thousand newborn babies. Port-wine stains
7 ordinarily persist throughout life.

8 Port-wine stains occur most often on the face but can
9 appear anywhere on the body, particularly on the neck and upper
10 trunk. If the port-wine stain is on the face or other highly
11 visible part of the body, its presence can also cause emotional
12 and social problems for the affected person. Early stains are
13 usually flat and pink in appearance and as the child matures,
14 the color may deepen to a dark red or purplish color. In
15 adulthood, thickening of the lesion or the development of small
16 lumps may occur. In the absence of successful treatment,
17 hypertrophy, which is increased tissue mass of the stain, may



1 cause problems later in life such as loss of proximate organ
2 function especially near the eye or mouth, bleeding, and
3 increasing disfigurement. Lesions on or near the eyelid can be
4 associated with glaucoma. When port-wine stain proliferates
5 around the eyelid, it may cause ectropion, the downward pulling
6 of the lower eyelid, which may lead to corneal abrasion and loss
7 of vision.

8 In the State Auditor's Report No. 18-20 "Study of Proposed
9 Mandatory Health Insurance for Port-Wine Stains," it was cited
10 that the majority of health care insurers surveyed said that
11 medical treatments are deemed necessary when a patient
12 experiences some functionality issues resulting from a port-wine
13 stain.

14 The purpose of this Act is to require insurers, hospital
15 and medical services plans, and health maintenance organizations
16 to provide coverage for medical procedures to eliminate or
17 provide maximum feasible treatment of port-wine stains that are
18 deemed necessary when a patient experiences or, with medical
19 certainty substantiated from a licensed physician, will
20 experience some functionality issues resulting from a port-wine
21 stain.



1 SECTION 2. 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- Port-wine stain coverage. (a)
5 Notwithstanding any other law to the contrary, each individual
6 or group health or sickness insurance plan, policy, contract, or
7 agreement issued or renewed in the State after December 31,
8 2019, shall provide coverage for medically necessary procedures
9 related to port-wine stain, for policyholders and individuals
10 covered under the individual or group health or sickness
11 insurance plan, policy, contract, or agreement. Coverage
12 required pursuant to this section shall include any medically
13 necessary procedures, including laser surgery, remediation, or
14 necessary post-acute medical services required to eliminate or
15 provide maximum feasible treatment for port-wine stain for up to
16 twenty years from the date the port-wine stain was medically
17 detected; provided that no insurer shall be required to pay more
18 than \$ _____ per covered individual for medically necessary
19 procedures, including laser surgery, remediation, and any
20 necessary post-acute medical services subject to this section



1 unless the insurance plan, policy, contract, or agreement states
2 otherwise.

3 (b) Coverage required under this section may be subject to
4 deductibles, copayments, coinsurance, or annual or maximum
5 payment limits that are consistent with deductibles, copayments,
6 coinsurance, and annual or maximum payment limits applicable to
7 other similar coverage under the policy, contract, plan, or
8 agreement.

9 (c) Every insurer shall provide notice to its
10 policyholders regarding the coverage required by this section.
11 Notice shall be posted on the insurer's website and provided via
12 email to policyholders no later than January 1, 2020.

13 For the purposes of this section, "medically necessary"
14 means when a licensed physician certifies, with medical
15 certainty, that the patient will experience some loss of
16 functionality resulting from a port-wine stain."

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

20 "§432:1- Port-wine stain coverage. (a) Notwithstanding
21 any other law to the contrary, each individual or group hospital



1 or medical service plan, policy, contract, or agreement issued
2 or renewed in the State after December 31, 2019, shall provide
3 coverage for medically necessary procedures related to port-wine
4 stain, for members and individuals covered under a hospital or
5 medical service plan, policy, contract, or agreement. Coverage
6 required pursuant to this section shall include any medically
7 necessary procedures, including laser surgery, remediation, or
8 necessary post-acute medical services required to eliminate or
9 provide maximum feasible treatment for port-wine stain for up to
10 twenty years from the date the port-wine stain was medically
11 detected; provided that no mutual benefit society shall be
12 required to pay more than \$ _____ per covered individual for
13 medically necessary procedures, laser surgery, remediation, and
14 any necessary post-acute medical services subject to this
15 section unless the hospital or medical service plan, policy,
16 contract, or agreement states otherwise.

17 (b) Coverage required under this section may be subject to
18 deductibles, copayments, coinsurance, or annual or maximum
19 payment limits that are consistent with deductibles, copayments,
20 coinsurance, and annual or maximum payment limits applicable to



1 other similar coverage under the individual or group hospital or
2 medical service plan, policy, contract, or agreement.

3 (c) Every mutual benefit society shall provide notice to
4 its members regarding the coverage required by this section.
5 Notice shall be posted on the insurer's website and provided via
6 email to members no later than January 1, 2020.

7 For the purposes of this section, "medically necessary"
8 means when a licensed physician certifies, with medical
9 certainty, that the patient will experience some loss of
10 functionality resulting from a port-wine stain."

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

13 **"§432D-23 Required provisions and benefits.**

14 Notwithstanding any provision of law to the contrary, each
15 policy, contract, plan, or agreement issued in the State after
16 January 1, 1995, by health maintenance organizations pursuant to
17 this chapter, shall include benefits provided in sections
18 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
19 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
20 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,



1 431:10A-133, 431:10A-134, 431:10A-140, [~~and 431:10A-134,~~
2 431:10A- , and chapter 431M."

3 SECTION 5. The benefits provided by health maintenance
4 organizations corresponding to the benefit provided under
5 section 431:10A- , Hawaii Revised Statutes, as contained in the
6 amendment to section 432D-23, Hawaii Revised Statutes, in
7 section 4 of this Act shall take effect for all policies,
8 contracts, plans, or agreements issued in the State of Hawaii
9 after December 31, 2019.

10 SECTION 6. The department of commerce and consumer affairs
11 shall submit a report of its findings and recommendations,
12 including any proposed legislation, to the legislature no later
13 than twenty days prior to the convening of the regular session
14 of 2021. The report shall explain the economic impact that the
15 expanded coverage for port-wine stain under this Act has had on
16 affected insurers.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.
20

INTRODUCED BY:

John M. ...
[Signature]
[Signature]



H.B. NO. 687

A handwritten signature in black ink, appearing to be "J. A. R.", written in a cursive style.

JAN 18 2019



H.B. NO. 681

Report Title:

Health Coverage; Mandated Benefits; Port-Wine Stain

Description:

Mandates coverage for medically necessary treatment of port-wine stains including laser surgery, remediation, and any necessary post-acute medical services under accident and health or sickness and mutual benefit society's policies.

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

