

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO NATUROPATHIC PHYSICIANS.

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

1           SECTION 1. 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-       Primary care provider; naturopathic  
5 physician. (a) Each policy of accident and health or sickness  
6 insurance delivered or issued for delivery in this State shall  
7 recognize naturopathic physicians licensed pursuant to chapter  
8 455 as participating providers and shall include coverage for  
9 care provided by participating naturopathic physicians  
10 practicing within the scope of their licenses for purposes of  
11 health maintenance, diagnosis, or treatment to the extent that  
12 the policy provides benefits for identical services rendered by  
13 another health care provider.

14           (b) Notwithstanding any other law to the contrary, an  
15 insurer may recognize a participating naturopathic physician as  
16 a primary care provider if the insured's policy requires the  
17 selection of a primary care provider. The insurer shall include



1 participating naturopathic physicians who practice as primary  
2 care providers on any publicly available list of participating  
3 primary care providers; provided that the insurer retains the  
4 right to determine the contracting criteria for a participating  
5 primary care provider.

6 (c) The insurance commissioner shall receive and  
7 investigate complaints regarding potential violations of the  
8 nondiscrimination provisions established in section 2706 of the  
9 Public Health Service Act, title 42 United States Code section  
10 300gg-5.

11 (d) For the purposes of this section, "participating  
12 naturopathic physician" means a naturopathic physician who has  
13 contracted with the insurer to provide health care services to  
14 the insurer's insureds."

15 SECTION 2. Chapter 432, Hawaii Revised Statutes, is  
16 amended by adding a new section to article 1 to be appropriately  
17 designated and to read as follows:

18 "§432:1- Primary care provider; naturopathic physician.

19 (a) Each individual or group hospital or medical plan contract  
20 delivered or issued for delivery in this State by a mutual  
21 benefit society shall recognize naturopathic physicians licensed



1 pursuant to chapter 455 as participating providers and shall  
2 include coverage for care provided by participating naturopathic  
3 physicians practicing within the scope of their licenses for  
4 purposes of health maintenance, diagnosis, or treatment to the  
5 extent that the plan contract provides benefits for identical  
6 services rendered by another health care provider.

7 (b) Notwithstanding any other law to the contrary, a  
8 mutual benefit society may recognize a participating  
9 naturopathic physician as a primary care provider if the  
10 member's plan contract requires the selection of a primary care  
11 provider. The mutual benefit society shall include  
12 participating naturopathic physicians who practice as primary  
13 care providers on any publicly available list of participating  
14 primary care providers; provided that the mutual benefit society  
15 retains the right to determine the contracting criteria for a  
16 participating primary care provider.

17 (c) The insurance commissioner shall receive and  
18 investigate complaints regarding potential violations of the  
19 nondiscrimination provisions established in section 2706 of the  
20 Public Health Service Act, title 42 United States Code section  
21 300gg-5.



1        (d) For the purposes of this section, "participating  
2 naturopathic physician" means a naturopathic physician who has  
3 contracted with the mutual benefit society to provide health  
4 care services to the society's members."

5        SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
6 amended by adding a new section to article 2 to be appropriately  
7 designated and to read as follows:

8        "§432:2-        Primary care provider; naturopathic physician.

9        (a) Each benefit contract delivered or issued for delivery in  
10 this State by a fraternal benefit society shall recognize  
11 naturopathic physicians licensed pursuant to chapter 455 as  
12 participating providers and shall include coverage for care  
13 provided by participating naturopathic physicians practicing  
14 within the scope of their licenses for purposes of health  
15 maintenance, diagnosis, or treatment to the extent that the  
16 benefit contract provides benefits for identical services  
17 rendered by another health care provider.

18        (b) Notwithstanding any other law to the contrary, a  
19 fraternal benefit society may recognize a participating  
20 naturopathic physician as a primary care provider if the  
21 member's benefit contract requires the selection of a primary



1 care provider. The fraternal benefit society shall include  
2 participating naturopathic physicians who practice as primary  
3 care providers on any publicly available list of participating  
4 primary care providers; provided that the fraternal benefit  
5 society retains the right to determine the contracting criteria  
6 for a participating primary care provider.

7 (c) The insurance commissioner shall receive and  
8 investigate complaints regarding potential violations of the  
9 nondiscrimination provisions established in section 2706 of the  
10 Public Health Service Act, title 42 United States Code section  
11 300gg-5.

12 (d) For the purposes of this section, "participating  
13 naturopathic physician" means a naturopathic physician who has  
14 contracted with the fraternal benefit society to provide health  
15 care services to the society's members."

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

19 "§432D- Primary care provider; naturopathic physician.

20 (a) Each individual or group health maintenance organization  
21 policy, contract, plan, or agreement delivered or issued for



1 delivery in this State shall recognize naturopathic physicians  
2 licensed pursuant to chapter 455 as participating providers and  
3 shall include coverage for care provided by participating  
4 naturopathic physicians practicing within the scope of their  
5 licenses for purposes of health maintenance, diagnosis, or  
6 treatment to the extent that the policy, contract, plan, or  
7 agreement provides benefits for identical services rendered by  
8 another health care provider.

9 (b) Notwithstanding any other law to the contrary, a  
10 health maintenance organization may recognize a participating  
11 naturopathic physician as a primary care provider if the  
12 enrollee's policy, contract, plan, or agreement requires the  
13 selection of a primary care provider. The health maintenance  
14 organization shall include participating naturopathic physicians  
15 who practice as primary care providers on any publicly available  
16 list of participating primary care providers; provided that the  
17 health maintenance organization retains the right to determine  
18 the contracting criteria for a participating primary care  
19 provider.

20 (c) The insurance commissioner shall receive and  
21 investigate complaints regarding potential violations of the



1 nondiscrimination provisions established in section 2706 of the  
2 Public Health Service Act, title 42 United States Code section  
3 300gg-5.

4 (d) For the purposes of this section, "participating  
5 naturopathic physician" means a naturopathic physician who has  
6 contracted with the health maintenance organization to provide  
7 health care services to the health maintenance organization's  
8 enrollees."

9 SECTION 5. Section 431:10A-115.5, Hawaii Revised Statutes,  
10 is amended by amending subsection (e) to read as follows:

11 "(e) For the purposes of this section, "child health  
12 supervision services" means [~~physician delivered, physician-~~  
13 ~~supervised, physician assistant delivered, or nurse delivered~~  
14 ~~services as defined by section 457-2 ("registered nurse")]~~  
15 services supervised by a physician or osteopathic physician  
16 licensed pursuant to chapter 453 or services delivered by a  
17 physician or osteopathic physician licensed pursuant to chapter  
18 453, a naturopathic physician licensed pursuant to chapter 455,  
19 or a registered nurse licensed pursuant to chapter 457, which  
20 shall include as the minimum benefit coverage for services  
21 delivered at intervals and scope stated in this section."



1 SECTION 6. Section 431:10A-116, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 **"§431:10A-116 Coverage for specific services.** Every  
4 person insured under a policy of accident and health or sickness  
5 insurance delivered or issued for delivery in this State shall  
6 be entitled to the reimbursements and coverages specified below:

7 (1) Notwithstanding any provision to the contrary,  
8 whenever a policy, contract, plan, or agreement  
9 provides for reimbursement for any visual or  
10 optometric service, which is within the lawful scope  
11 of practice of a duly licensed optometrist, the person  
12 entitled to benefits or the person performing the  
13 services shall be entitled to reimbursement whether  
14 the service is performed by a licensed physician or by  
15 a licensed optometrist. Visual or optometric services  
16 shall include eye or visual examination, [~~or both,~~] or  
17 a correction of any visual or muscular anomaly[~~]~~ and  
18 the supplying of ophthalmic materials, lenses, contact  
19 lenses, spectacles, eyeglasses, and appurtenances  
20 thereto;





- 1           (2) Notwithstanding any provision to the contrary, for all  
2           policies, contracts, plans, or agreements issued on or  
3           after May 30, 1974, whenever provision is made for  
4           reimbursement or indemnity for any service related to  
5           surgical or emergency procedures, which is within the  
6           lawful scope of practice of any practitioner licensed  
7           to practice medicine in this State, reimbursement or  
8           indemnification under the policy, contract, plan, or  
9           agreement shall not be denied when the services are  
10          performed by a dentist acting within the lawful scope  
11          of the dentist's license;
- 12          (3) Notwithstanding any provision to the contrary,  
13          whenever the policy provides reimbursement or payment  
14          for any service, which is within the lawful scope of  
15          practice of a psychologist licensed in this State, the  
16          person entitled to benefits or performing the service  
17          shall be entitled to reimbursement or payment [7]  
18          whether the service is performed by a licensed  
19          physician or licensed psychologist;
- 20          (4) Notwithstanding any provision to the contrary, each  
21          policy, contract, plan, or agreement issued on or



1 after February 1, 1991, except for policies that only  
2 provide coverage for specified diseases or other  
3 limited benefit coverage, but including policies  
4 issued by companies subject to chapter 431, article  
5 10A, part II and chapter 432, article 1 shall provide  
6 coverage for screening by low-dose mammography for  
7 occult breast cancer as follows:

8 (A) For women forty years of age and older, an annual  
9 mammogram; and

10 (B) For a woman of any age with a history of breast  
11 cancer or whose mother or sister has had a  
12 history of breast cancer, a mammogram upon the  
13 recommendation of the woman's physician.

14 The services provided in this paragraph are  
15 subject to any coinsurance provisions that may be in  
16 force in these policies, contracts, plans, or  
17 agreements.

18 For the purpose of this paragraph, the term "low-  
19 dose mammography" means the x-ray examination of the  
20 breast using equipment dedicated specifically for  
21 mammography, including but not limited to the x-ray



1 tube, filter, compression device, screens, films, and  
2 cassettes, with an average radiation exposure delivery  
3 of less than one rad mid-breast, with two views for  
4 each breast. An insurer may provide the services  
5 required by this paragraph through contracts with  
6 providers; provided that the contract is determined to  
7 be a cost-effective means of delivering the services  
8 without sacrifice of quality and meets the approval of  
9 the director of health;

- 10 (5) (A) (i) Notwithstanding any provision to the  
11 contrary, whenever a policy, contract, plan,  
12 or agreement provides coverage for the  
13 children of the insured, that coverage shall  
14 also extend to the date of birth of any  
15 newborn child to be adopted by the insured;  
16 provided that the insured gives written  
17 notice to the insurer of the insured's  
18 intent to adopt the child prior to the  
19 child's date of birth [~~or~~], within thirty  
20 days after the child's birth, or within the  
21 time period required for enrollment of a



1 natural born child under the policy,  
2 contract, plan, or agreement of the insured,  
3 whichever period is longer; provided further  
4 that if the adoption proceedings are not  
5 successful, the insured shall reimburse the  
6 insurer for any expenses paid for the child;  
7 and

8 (ii) Where notification has not been received by  
9 the insurer prior to the child's birth or  
10 within the specified period following the  
11 child's birth, insurance coverage shall be  
12 effective from the first day following the  
13 insurer's receipt of legal notification of  
14 the insured's ability to consent for  
15 treatment of the infant for whom coverage is  
16 sought; and

17 (B) When the insured is a member of a health  
18 maintenance organization [~~HMO~~], coverage of an  
19 adopted newborn is effective:

20 (i) From the date of birth of the adopted  
21 newborn when the newborn is treated from



1 birth pursuant to a provider contract with  
2 the health maintenance organization, and  
3 written notice of enrollment in accord with  
4 the health maintenance organization's usual  
5 enrollment process is provided within thirty  
6 days of the date the insured notifies the  
7 health maintenance organization of the  
8 insured's intent to adopt the infant for  
9 whom coverage is sought; or

10 (ii) From the first day following receipt by the  
11 health maintenance organization of written  
12 notice of the insured's ability to consent  
13 for treatment of the infant for whom  
14 coverage is sought and enrollment of the  
15 adopted newborn in accord with the health  
16 maintenance organization's usual enrollment  
17 process if the newborn has been treated from  
18 birth by a provider not contracting or  
19 affiliated with the health maintenance  
20 organization; and



1           (6) Notwithstanding any provision to the contrary, any  
2           policy, contract, plan, or agreement issued or renewed  
3           in this State shall provide reimbursement for services  
4           within the respective allowable scope of practice  
5           provided by advanced practice registered nurses  
6           licensed pursuant to chapter 457[-] and naturopathic  
7           physicians licensed pursuant to chapter 455. Services  
8           rendered by advanced practice registered nurses and  
9           naturopathic physicians are subject to the same policy  
10          limitations generally applicable to health care  
11          providers within the policy, contract, plan, or  
12          agreement."

13          SECTION 7. Section 431:10A-120, Hawaii Revised Statutes,  
14          is amended to read as follows:

15          "**§431:10A-120 Medical foods and low-protein modified food**  
16          **products; treatment of inborn error of metabolism; notice.** (a)  
17          Each policy of accident and health or sickness insurance, other  
18          than life insurance, disability income insurance, and long-term  
19          care insurance, issued or renewed in this State, each employer  
20          group health policy, contract, plan, or agreement issued or  
21          renewed in this State, all accident and health or sickness



1 insurance policies issued or renewed in this State, all policies  
2 providing family coverages as defined in section 431:10A-103,  
3 and all policies providing reciprocal beneficiary family  
4 coverage as defined in section 431:10A-601, shall contain a  
5 provision for coverage for medical foods and low-protein  
6 modified food products for the treatment of an inborn error of  
7 metabolism for its policyholders or dependents of the  
8 policyholder in this State; provided that the medical food or  
9 low-protein modified food product is:

- 10 (1) Prescribed as medically necessary for the therapeutic  
11 treatment of an inborn error of metabolism; and  
12 (2) Consumed or administered enterally under the  
13 supervision of a physician or osteopathic physician  
14 licensed under chapter 453 [-] or a naturopathic  
15 physician licensed under chapter 455.

16 Coverage shall be for at least eighty per cent of the cost of  
17 the medical food or low-protein modified food product prescribed  
18 and administered pursuant to this subsection.

19 (b) Every insurer shall provide notice to its  
20 policyholders regarding the coverage required by this section.  
21 The notice shall be in writing and prominently placed in any



1 literature or correspondence sent to policyholders [~~and shall be~~  
2 ~~transmitted to policyholders during calendar year 2000 when~~  
3 ~~annual information is made available to policyholders, or in any~~  
4 ~~other mailing to policyholders, but in no case later than~~  
5 ~~December 31, 2000~~].

6 (c) For the purposes of this section:

7 "Inborn error of metabolism" means a disease caused by an  
8 inherited abnormality of the body chemistry of a person that is  
9 characterized by deficient metabolism, originating from  
10 congenital defects or defects arising shortly after birth, of  
11 amino acid, organic acid, carbohydrate, or fat.

12 "Low-protein modified food product" means a food product  
13 that:

- 14 (1) Is specially formulated to have less than one gram of  
15 protein per serving;
- 16 (2) Is prescribed or ordered by a physician [e~~r~~],  
17 osteopathic physician, or naturopathic physician as  
18 medically necessary for the dietary treatment of an  
19 inborn error of metabolism; and
- 20 (3) Does not include a food that is naturally low in  
21 protein.





1 "Medical food" means a food that is formulated to be  
2 consumed or administered enterally under the supervision of a  
3 physician ~~[e]~~, osteopathic physician, or naturopathic physician  
4 and is intended for the specific dietary management of a disease  
5 or condition for which distinctive nutritional requirements,  
6 based on recognized scientific principles, are established by  
7 medical evaluation."

8 SECTION 8. Section 431:10A-206.5, Hawaii Revised Statutes,  
9 is amended by amending subsection (e) to read as follows:

10 "(e) For the purposes of this section, "child health  
11 supervision services" means ~~[physician delivered, physician-~~  
12 ~~supervised, physician assistant delivered, or nurse delivered~~  
13 ~~services as defined by section 457-2 ("registered nurse"),]~~  
14 services supervised by a physician or osteopathic physician  
15 licensed pursuant to chapter 453 or services delivered by a  
16 physician or osteopathic physician licensed pursuant to chapter  
17 453, a naturopathic physician licensed pursuant to chapter 455,  
18 or a registered nurse licensed pursuant to chapter 457 which  
19 shall include as the minimum benefit coverage for services  
20 delivered at intervals and scope stated in this section."



1 SECTION 9. Section 432:1-602.5, Hawaii Revised Statutes,  
2 is amended by amending subsection (e) to read as follows:

3 "(e) For the purposes of this section, "child health  
4 supervision services" means [~~physician delivered, physician-~~  
5 ~~supervised, physician assistant delivered, or nurse delivered~~  
6 ~~services as defined by section 457-2 ("registered nurse"),]~~  
7 services supervised by a physician or osteopathic physician  
8 licensed pursuant to chapter 453 or services delivered by a  
9 physician or osteopathic physician licensed pursuant to chapter  
10 453, a naturopathic physician licensed pursuant to chapter 455,  
11 or a registered nurse licensed pursuant to chapter 457, which  
12 shall include as the minimum benefit coverage for services  
13 delivered at intervals and scope stated in this section."

14 SECTION 10. Section 432:1-609, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§432:1-609 Medical foods and low-protein modified food**  
17 **products; treatment of inborn error of metabolism; notice. (a)**  
18 All individual and group hospital and medical service plan  
19 contracts and medical service corporation contracts under this  
20 chapter shall provide coverage for medical foods and low-protein  
21 modified food products for the treatment of an inborn error of



1 metabolism for its members or dependents of the member in this  
2 State; provided that the medical food or low-protein modified  
3 food product is:

- 4 (1) Prescribed as medically necessary for the therapeutic  
5 treatment of an inborn error of metabolism; and  
6 (2) Consumed or administered enterally under the  
7 supervision of a physician or osteopathic physician  
8 licensed under chapter 453 [-] or a naturopathic  
9 physician licensed under chapter 455.

10 Coverage shall be for at least eighty per cent of the cost of  
11 the medical food or low-protein modified food product prescribed  
12 and administered pursuant to this subsection.

13 (b) Every mutual benefit society shall provide notice to  
14 its members regarding the coverage required by this section.  
15 The notice shall be in writing and prominently placed in any  
16 literature or correspondence sent to members [~~and shall be~~  
17 ~~transmitted to members during calendar year 2000 when annual~~  
18 ~~information is made available to members, or in any other~~  
19 ~~mailing to members, but in no case later than December 31,~~  
20 ~~2000]~~.

21 (c) For the purposes of this section:



1 "Inborn error of metabolism" means a disease caused by an  
2 inherited abnormality of the body chemistry of a person that is  
3 characterized by deficient metabolism, originating from  
4 congenital defects or defects arising shortly after birth, of  
5 amino acid, organic acid, carbohydrate, or fat.

6 "Low-protein modified food product" means a food product  
7 that:

- 8 (1) Is specially formulated to have less than one gram of  
9 protein per serving;
- 10 (2) Is prescribed or ordered by a physician ~~[or]~~,  
11 osteopathic physician, or naturopathic physician as  
12 medically necessary for the dietary treatment of an  
13 inherited metabolic disease; and
- 14 (3) Does not include a food that is naturally low in  
15 protein.

16 "Medical food" means a food that is formulated to be  
17 consumed or administered enterally under the supervision of a  
18 physician ~~[or]~~, osteopathic physician, or naturopathic physician  
19 and is intended for the specific dietary management of a disease  
20 or condition for which distinctive nutritional requirements,



1 based on recognized scientific principles, are established by  
2 medical evaluation."

3 SECTION 11. Section 432D-1, Hawaii Revised Statutes, is  
4 amended by amending the definition of "provider" to read as  
5 follows:

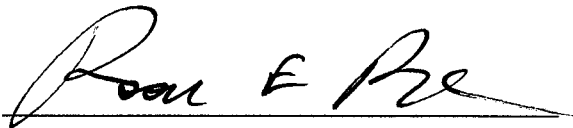
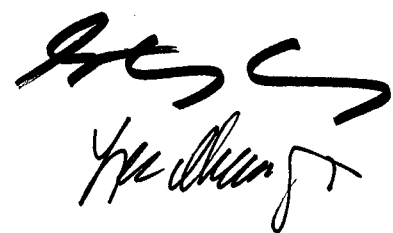
6 "Provider" means any physician, naturopathic physician  
7 practicing within the scope of licensure, hospital, or other  
8 person licensed or otherwise authorized to furnish health care  
9 services."

10 SECTION 12. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 13. This Act shall take effect on July 1, 2019.

13

INTRODUCED BY:



# S.B. NO. 444

**Report Title:**

Naturopathic Physicians; Health Insurance; Primary Care Providers; Non-discrimination

**Description:**

Requires insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to recognize naturopathic physicians as primary care providers and provide coverage for health care services provided by a naturopathic physician. Requires the insurance commissioner to receive and investigate complaints regarding discrimination with respect to participation under a health insurance plan against any health care provider.

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

