

Testimony of John Kirimitsu
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Before:
Senate Committee on Commerce and Consumer Protection
The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair

March 23, 2022
9:30 am
Conference Room 229 & Videoconference

Re: SCR 152/SR 145 REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING HEALTH INSURANCE COVERAGE FOR OOCYTE CRYOPRESERVATION.

Chair Baker and committee members, thank you for this opportunity to provide testimony on SCR 152/SR 145 which requests the auditor to assess the social and financial effects of proposed coverage for oocyte cryopreservation.

Kaiser Permanente Hawaii supports this resolution.

We support asking the legislative auditor to study the social and financial impacts of this proposed expansion of in vitro fertilization benefits. We offer for your consideration a few additional clauses that may make the auditor's study more useful.

BE IT FURTHER RESOLVED that the Auditor is requested to include in the impact assessment report a survey of other states in the U.S. which have implemented a mandate for oocyte cryopreservation benefits to examine what the social and financial impact has been in these states; and

BE IT FURTHER RESOLVED that the Auditor is requested to research what is being used as the standard medical definition of "reproductive age" that is best suited for oocyte cryopreservation procedures, and examine the success rates for the different age groups to determine coverage benefit limitations for this covered benefit. This research should examine whether different standards of infertility treatments are applied to different age groups in need of infertility treatments; and

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BE IT FURTHER RESOLVED that the Auditor is requested to research if any expansion of infertility in vitro fertilization procedures constitutes benefits that are in excess of the essential health benefits, thus requiring the state to defray such costs; and

BE IT FURTHER RESOLVED that the Auditor is requested to examine current medically necessary standards of care used to determine what types of infertility treatment options are available, at a more cost effective savings than in vitro fertilization, which may be best suited for individuals in need of infertility procedures. An examination of the existing technology in in infertility procedures and possible future technology should be examined; and

BE IT FURTHER RESOLVED that the Auditor is requested to research the complex legal issues surrounding the rights and entitlements with respect to the frozen eggs, including contract remedies, i.e., cryopreservation contract, to address the storage and disposition of the cryopreserved material. Some questions that should be considered are:

- How long will the eggs be preserved?
- When and how will the eggs be destroyed?
- Can the eggs be used for providing instruction in assisted reproduction procedures or other research if the woman decides not to use them?
- What will happen to the eggs if the donor dies? (e.g. if she is married at the time, can her husband use the eggs with a surrogate to have a baby after the biological mother's death?)
- What will happen to the eggs if the donor and her spouse separate?

Thank you for your consideration.

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