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**DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the**  
**Senate Committee on Commerce and Consumer Protection**  
**Tuesday, April 2, 2024**  
**9:45 a.m.**  
**State Capitol, Conference Room 229 and via Videoconference**

**On the following measure:**  
**H.B. 2393, H.D. 1, S.D. 1, RELATING TO TITLE 24, HAWAII REVISED STATUTES**

**WRITTEN TESTIMONY ONLY**

Chair Keohokalole and Members of the Committee:

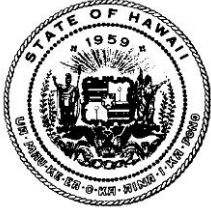
My name is Gordon Ito, and I am the Insurance Commissioner for the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department supports this administration bill.

The purpose of this bill is to require health insurers, mutual benefit societies, and health maintenance organizations to cover mandated services for mammography at least as favorably as coverage for other radiological examinations and provide amendments to external review procedures to improve consistency with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act.

Sections 1 and 2 of this bill will ensure a base level of coverage for breast cancer screening under current insurance mandates based on coverage for other radiological exams.

Sections 3, 4, and 5 of this bill align HRS chapter 432E more closely with the model law on which the chapter is based. The external review process for health plans codified in HRS chapter 432E, Part IV, is the process by which an enrollee may request a review of a plan's decision to deny coverage for or payment of a medical service and is based on the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act (Model Act); however, it deviates in significant part from the Model Act with respect to provisions that allow the Commissioner to review health plan determinations that indicate cases are not eligible for external review. The existing language compels the Commissioner to follow a procedure that requires rendering a determination as to whether an enrollee is eligible for external review, regardless of whether there is sufficient information or whether the determination is complicated by issues outside the Commissioner's jurisdiction. Sections 3, 4, and 5 of this bill will align this review provision of the external review process with the Model Act, which provides the Commissioner with permissive authority to send a case to external review if determined that the case is eligible. Sections 3, 4, and 5 also clarify that health plans must provide any documents they have received related to an external review request to the independent review organization assigned to conduct an external review.

Thank you for the opportunity to testify. We respectfully ask the Committee to pass this administration bill.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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April 2, 2024

### TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

House Bill 2393 HD1 SD1 – Relating to Title 24, Hawaii Revised Statutes

The Disability and Communication Access Board (DCAB) supports House Bill 2393 HD 1 SD1 – Relating to Title 24, Hawaii Revised Statutes.

This bill requires health insurers, mutual benefit societies, and health maintenance organizations to cover mandated services for mammography at least as favorably as coverage for other radiological examinations. Provides amendments to external review procedures to improve consistency with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act.

Early detection of cancer is vital for it to be successfully treated. This bill helps to ensure mammograms are ordered when warranted.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director