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Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Consumer Protection and Commerce
Tuesday, February 13, 2024
2:05 p.m.

State Capitol, Conference Room 329 and via Video Conferencing

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

Chair Nakashima 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 provide amendments to external review procedures to improve consistency with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act and to require health insurers, mutual benefit societies, and health maintenance organizations to cover mandated services for mammography in line with coverage for other radiological examinations.

Sections 1 and 2 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, and respectfully ask the Committee to pass this administration bill.



HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Representative Mark Nakashima, Chair
Representative Jackson Sayama, Vice Chair

Date: February 13, 2024
From: Hawaii Radiological Society HRS
M Wiedman MD - HRS Legislative Liaison
Ven Seguritan MD – President, HRS

**RE HB 2393- Insurance; Health Insurance; External Review Procedure; Mammography
Position: Support**

This measure requires health insurers, mutual benefit societies, and health maintenance organizations to cover mandated services for mammography at least as favorably as for the coverage for other radiological examinations.

Breast cancer is the most common cancer diagnosed in women in Hawaii. According to the University of Hawaii Cancer Center, invasive breast cancer incidence rates have increased 1.7% per year over the last 10 years, and the incidence in Hawaii (139.6 per 100,000) was higher than the U.S. overall (126.9 per 100,000) ¹. The latest draft guidelines by the U.S. Preventive Services Task Force (USPSTF) recommends that all women get screened for breast cancer every other year starting at age 40 ².

Hawaii patients with unfavorable coverage may be less likely to receive necessary screening, and missed mammograms can lead to more later-stage breast cancer diagnoses, once detected. It is therefore critically important that Hawaii reduce the financial obstacles associated with screening and diagnostic exams. HRS strongly supports this measure that will improve accessibility and affordability to the medical care that Hawaii patients need.

Thank you for allowing the Hawaii Radiological Society to testify on this issue.

References and Quick Links:

1. Hawaii Cancer At A Glance. Hawaii Tumor Registry.
<https://www.uhcancercenter.org/research/shared-resources/hawaii-tumor-registry>. Accessed Feb 8, 2024.
2. Task Force Issues Draft Recommendation Statement for Breast Cancer.
https://www.uspreventiveservicestaskforce.org/uspstf/sites/default/files/file/supporting_documents/breast-cancer-screening-draft-rec-bulletin.pdf Accessed Feb 8, 2024
3. Tong M, Hill L, Artiga S. Racial Disparities in Cancer Outcomes, Screening, and Treatment.
<https://www.kff.org/racial-equity-and-health-policy/issue-brief/racial-disparities-in-cancer-outcomes-screening-and-treatment/>
4. Sharp Declines in Breast and Cervical Cancer Screening. 2021 June 30. Center for Disease Control and Prevention (CDC). <https://www.cdc.gov/media/releases/2021/p0630-cancer-screenings>.

Hawaii Radiological Society HRS

The state chapter of the American College of Radiology ACR

5. Degroff A et al. COVID-19 impact on screening test volume through the National Breast and Cervical Cancer early detection program. [Prev Med 2021 Oct; 151:106559.](#) doi: 10.1016/j.ypmed.2021.106559. Epub 2021 Jun 30.
6. Loo LWM, Williams M, Hernandez BY. The high and heterogeneous burden of breast cancer in Hawaii: A unique multiethnic U.S. Population. [Cancer Epidemiol. 2019 Feb;58:71-76.](#)
7. Monticciolo DL, Newell MS, Hendrick RE, Helvie MA, Moy L, Monsees B, et al. Breast Cancer Screening in Women at Higher-Than-Average Risk: Recommendations From the ACR. [J Am Coll Radiol. 2018;15\(3\):408-414.](#)



Hawaii Medical Association

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COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

Date: February 13, 2024

From: Hawaii Medical Association

Elizabeth England, MD

Chair, HMA Public Policy Committee

Re: HB2393, RELATING TO TITLE 24, HAWAII REVISED STATUTES.

Position: SUPPORT

Thank you for allowing the Hawaii Medical Association to testify in **SUPPORT of HB2393**, which requires insurers to “cover mandated services for mammography at least as favorably as coverage for other radiological examinations”. The HMA is in agreement with the testimony provided by the Hawaii Radiological Society.

2024 Hawaii Medical Association Officers

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February 13, 2024

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

Re: HB 2393 – RELATING TO TITLE 24, HAWAII REVISED STATUTES

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide comments on HB 2393, which provides amendments to external review procedures to improve consistency with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act. 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.

HMSA supports the intent of this measure and would just like to offer the following amendments for clarity:

1. Page 3, Line 11: “For women forty years of age and older, and at an average risk for breast cancer, an annual mammogram;”
2. Page 3, line 13-16, “For a woman of any age with a history of breast cancer or whose mother or sister has had a strong family history of breast cancer, an annual mammogram upon the recommendation of the woman's physician.”

We appreciate the committee’s consideration of these amendments. Thank you for the opportunity to provide comments on this measure.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations