THE SENATE THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII

S.B. NO. 2887

**'JAN 1 9 2024** 

### A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 The legislature finds that Hawaii's diverse and SECTION 1. 2 multi-ethnic population gives rise to the need for health care providers of all types to meet the various cultural and language 3 4 needs of state residents. Notwithstanding, health maintenance 5 organizations often have complete discretion over which 6 providers are allowed into their networks, which can give rise 7 to the exclusion of providers that cater to specific communities 8 within a cultural group or geographic area.

9 The legislature finds that "any willing provider" laws that 10 require health maintenance organizations to enter into contracts 11 with qualified providers who are willing to accept a plan's 12 terms and rates can benefit the State's diverse communities, and 13 that at least twenty-nine other states have some type of any 14 willing provider law as of the fall of 2022.

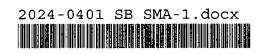
Accordingly, the purpose of this Act is to establish an any willing provider law for the State that prohibits health maintenance organizations from discriminating against certain

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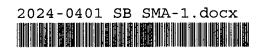
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health care providers that meet the terms and cond	litions for
participation established by the health maintenand	ce
organization.	
SECTION 2. Chapter 432D, Hawaii Revised Sta	tutes, is
amended by adding a new section to be appropriate:	ly designated
and to read as follows:	
" <u>§432D-</u> Any willing provider; enrollment.	(a) A health
maintenance organization operating in the State s	hall offer to
each of its enrollees a point-of-service plan opt:	ion that allows
a covered individual to receive covered services	from a licensed
health care provider in the State who is outside	the health
maintenance organization's network, without obtain	ning a referral
or prior authorization from the health maintenance	e organization;
provided that:	
(1) The point-of-service plan option may rea	quire that an
enrollee pay a higher deductible or copa	ayment and
higher premium for the plan; and	
(2) The health care provider chosen by the	enrollee is:
(A) Located in the same county as the	enrollee; and
<ul><li>(A) Located in the same county as the (</li><li>(B) Willing to meet the terms and cond.</li></ul>	
	SECTION 2. Chapter 432D, Hawaii Revised Stat amended by adding a new section to be appropriate: and to read as follows: <u>"§432DAny willing provider; enrollment.</u> maintenance organization operating in the State sh each of its enrollees a point-of-service plan opt: a covered individual to receive covered services is health care provider in the State who is outside to maintenance organization's network, without obtain or prior authorization from the health maintenance provided that: (1) The point-of-service plan option may receive enrollee pay a higher deductible or copa higher premium for the plan; and



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1	utilization regulations, and quality standards,
2	established by the health maintenance
3	organization, to provide services to the
4	enrollee.
5	(b) A health maintenance organization shall provide each
6	enrollee with an opportunity at the time of enrollment and
7	during the annual open enrollment period to enroll in the point-
8	of-service plan option. The health maintenance organization
9	shall provide a written notice of the point-of-service plan
10	option to each enrollee and shall include in that notice a
11	detailed explanation of the financial costs to be incurred by an
12	enrollee who selects the point-of-service plan option.
13	(c) For the purposes of this section, the term "health
14	care provider" has the same meaning as defined in section
15	432D-23.5."
16	SECTION 3. New statutory material is underscored.
17	SECTION 4. This Act shall take effect upon its approval.
18	X, $AA$ , $D$ ,
	INTRODUCED BY:



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#### Report Title:

Insurance; Health Insurance; Health Care; Discrimination; Insurers; Covered Services; Health Maintenance Organizations

### Description:

Prohibits health maintenance organizations from discriminating against certain health care providers that meet the terms and conditions for participation established by the health maintenance organization.

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

