

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN TESTIMONY ONLY

**Testimony COMMENTING on S.B. 1043 S.D. 2
RELATING TO HEALTH CARE**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: March 12, 2019

Room Number: 329

LATE

1 **Fiscal Implications:** Unknown at this time.

2 **Department Testimony:** The Department of Health respectfully offers comments on S.B. 1043
3 S.D. 2 that seeks to preserve certain aspects of the Patient Protection and Affordable Care Act
4 (ACA) by ensuring comprehensive coverage for the full spectrum of sexual and reproductive
5 health care services. Access to sexual and reproductive health care benefits and protections lead
6 to positive health outcomes for individuals, families, and communities and reduces social and
7 health disparities.

8 An important goal of the ACA is to improve access to quality, affordable health care. ACA's
9 family planning benefit is specifically aimed at improving access to family planning services by
10 ensuring that most health plans cover contraceptive methods, services, education and counseling
11 without cost-sharing for patients. Despite the benefit's clear advances to women and families
12 there has been some discussions of changing it or eliminating it. Without this benefit, women, in
13 particular, could incur significant costs to access care fundamental to their health.

14 **Offered Amendments:** None.

15 Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 11, 2019

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 1043 SD 2 – RELATING TO HEALTH CARE**

Hearing: Tuesday, March 12, 2019 9:00 a.m.
Conference Room 329, State Capitol

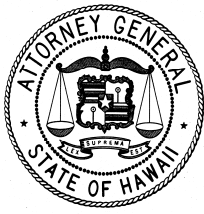
DEPARTMENT'S POSITION: The Department of Human Services (DHS) offers a comment on the provision in the bill to prohibit discrimination in the provision of reproductive health care services.

PURPOSE: The purpose of this bill is to require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures. The bill also prohibits discrimination in the provision of reproductive health care services.

The Senate Committee on the Judiciary wrote in SSCR798 that “the reference to chapter 481, Hawaii Revised Statutes, for penalty and remedy purposes, as specified for each proposed revision to chapter 431, parts I and II; chapter 432; chapter 432D; and chapter 346, Hawaii Revised Statutes, should be more closely examined by stakeholders and future committees during the legislative process, and revised if appropriate.”

DHS has begun its analysis of these proposed changes and has reached out to stakeholders to learn what questions they may have about these provisions.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 1043, S.D. 2, RELATING TO HEALTH CARE.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Tuesday, March 12, 2019

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
Daniel K. Jacob, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General makes the following comments.

The purpose of this bill is to require insurance companies to provide coverage for a spectrum of sexual and reproductive health care services, including family planning, abortion, and postpartum care.

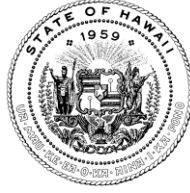
Under section 1311(d)(3)(B) of the Affordable Care Act and 45 C.F.R. section 155.170, a state may only require a Qualified Health Plan to add benefits if the state defrays the cost of the additional benefits, unless the proposed new benefit is directly attributable to State compliance with Federal requirements to provide Essential Health Benefits after December 31, 2011.

This bill would require Qualified Health Plans to provide coverage for the cost of a spectrum of sexual and reproductive health care services. Some of the benefits this bill would mandate, including well-woman exams and services related to cessation of tobacco use, are currently required to be covered by health insurance plans at no cost to the insured. See 26 C.F.R. section 54.2713. Other benefits mandated by this bill however, such as services relating to voluntary sterilization and abortion, may be considered additional benefits because they were neither mandated by state law prior to December 31, 2011, nor directly attributable to compliance with Federal requirements after December 31, 2011. If so, the State may be required to defray the costs.

At this time, our department is unaware of a state that has been subjected to the obligation to defray the cost for additional benefits. Therefore, there are no prior

examples of how the State would meet its obligation and what specific procedures would be necessary to fulfill the obligation. Our department's best understanding is that after the Qualified Health Plan issuer submits the issuer's costs attributable to the additional mandate, the Legislature would need to appropriate the money during the following legislative session and propose a mechanism to distribute the money.

Thank you for the opportunity to comment.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Health
Tuesday, March 12, 2019
9:00 a.m.
State Capitol, Conference Room 329**

**On the following measure:
S.B. 1043, S.D. 2, RELATING TO HEALTH CARE**

Chair Mizuno and Members of the Committee:

My name is Colin Hayashida, and I am the Insurance Commissioner of the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department appreciates the intent of this bill and offers comments.

The purpose of this bill is to require health insurers to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures and to prohibit discrimination in the provision of reproductive health care services.

The Department respectfully requests deleting proposed amendments to Hawaii Revised Statutes (HRS) section 431:10A-116.6 on page 25, lines 7 to 12, as these amendments may unintentionally narrow the scope of HRS section 431:10A-116.6 and conflicts with HRS article 10A.

One of the coverages is "[w]ell-woman care, as prescribed by the commissioner by rule consistent with guidelines published by the federal Health Resources and

Services Administration[.]” The Division lacks expertise in this area and is not the appropriate entity to effectively prescribe well-woman care benefits.

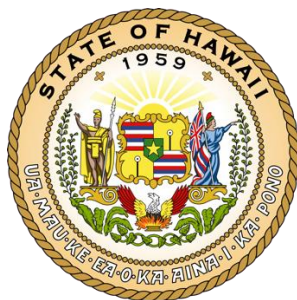
Another coverage is “[a]ny additional preventive services for women that must be covered without cost sharing under title 42 United States Code [U.S.C.] section 300gg-13, as identified by the federal Preventive Services Task Force or the Health Resources and Services Administration of the federal Department of Health and Human Services, as of January 1, 2017.” 42 U.S.C. section 300gg-13 does not provide a detailed list of services and instead references guidelines and recommendations issued by agencies. Interpreting these guidelines and recommendations would raise enforcement difficulties.

Additionally, this bill amends the definition of “contraceptive supplies” by adding the phrase “regardless of whether they are to be used by the insured or the partner of the insured, and regardless of whether they are to be used for contraception or exclusively for the prevention of sexually transmitted infections.” This amendment seemingly mandates coverage for drugs, devices, or products that are **not** intended for use by the insured, as well as drugs, devices, or products that are intended only for infection prevention, and **not** for contraception. Accordingly, this amendment may be viewed as a new mandate. This bill also sets forth coverage for multiple services on: page 3, line 4 to page 6, line 4; page 10, line 10 to page 13, line 11; and page 17, line 16 to page 20, line 9. These coverages may be viewed as new mandates.

The addition of new mandated coverage may trigger section 1311(d)(3) of the federal Patient Protection and Affordable Care Act (PPACA), which requires states to defray the additional cost of any benefits in excess of the essential health benefits of the State’s qualified health plan under the PPACA.

Additionally, any proposed mandate providing coverage for care requires the passage of a concurrent resolution requesting the State Auditor to prepare and submit a report assessing the social and financial impacts of the proposed mandate, pursuant to HRS section 23-51.

Thank you for the opportunity to testify on this bill.



LATE

Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on HLT

In Support of SB1043 SD2
Tuesday, March 12, 2019, at 9:00 a.m. in Room 329

Dear Chair Mizuno, Vice Chair Kobayashi, and Honorable Members,

The Hawai'i State Commission on the Status of Women supports SB1043 SD2, which would codify the Affordable Care Act's (ACA) preventive service coverage requirements into state law.

Republicans have opposed the ACA since its passage in 2010 and have repeatedly tried to repeal it. In light of this and broader political threats, the future of women's health has never been so uncertain. This measure is a necessary step to ensure that women and LGBTQ individuals in Hawai'i do not lose access to no-copay preventive services such as birth control, breastfeeding support and supplies, domestic and interpersonal violence screenings, gestational diabetes screening, well-woman exams, and life-saving cancer screenings.

SB1043 SD2 would also expand these coverage requirements by requiring coverage of the full range of sexual and reproductive health care services, including abortion and treatment to avoid HIV. Further, the measure would ensure that all people in Hawai'i can live more self-determined lives by guaranteeing access to these important services, regardless of gender, gender identity, or sexual orientation. Accordingly, the Commission requests that the Committee pass SB1043 SD2.

Sincerely,

Khara Jabola-Carolus

To: Hawaii State House of Representatives Committee on Health
Hearing Date/Time: Tues., Mar. 12, 2019, 9:00 a.m.
Place: Hawaii State Capitol, Rm. 329
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 1043, SD2, relating to Health Insurance

Dear Chair Mizuno and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 1043, SD2, which seeks to protect and expand access to critical sexual and reproductive health care for people in Hawaii.

Protecting health care access for people in Hawaii

Congressional leaders and the current administration have made it clear that enacting additional restrictions on health care access and undermining consumer protections are their top priorities. And they have targeted the rights of women and LGBTQ people with attacks on non-discrimination protections and access to abortion and birth control. Most recently, the federal administration has sought to enact rules that would allow employers to refuse to provide contraception coverage on the basis of moral or religious reasons. Although a federal court has issued a nationwide injunction preventing these rules from going into effect, the rules are still a threat as it is highly likely that the decision will be appealed to the Supreme Court. The federal administration has also proposed rules that would make it extremely difficult for insurers to cover abortion. Without S.B. 1043, insurers will most certainly consider discontinuing this important coverage.

Given these federal attacks on basic rights and health care, it is more important than ever that our state legislature act to ensure that nobody loses access to the health care and protections they depend on. S.B. 1043 will do just that. This legislation would codify the Affordable Care Act’s preventive service coverage requirements in state law, ensuring that people in Hawaii don’t lose their access to no-copay preventive services such as birth control, well-woman exams, and life-saving cancer screenings. It would also strengthen and expand these coverage requirements by requiring coverage of the full range of sexual and reproductive health care services, including abortion and treatment to avoid HIV. And it would make sure that all people in Hawaii can access these important services, regardless of gender, gender identity, or sexual orientation.

A cost-effective solution

Protecting and expanding access to sexual and reproductive health is not only the right thing to do: it is also cost-effective for consumers and health plans alike. The services included in this legislation are basic components of comprehensive sexual and reproductive health care and are all associated with significant potential cost savings. That’s because providing basic preventive care avoids the need for more expensive treatment and management down the road. Therefore, even if some services are determined to be new mandated benefits, in the long term covering these services would likely be either cost-neutral or even create cost savings for health plans. And because of this cost-effectiveness, requiring coverage of these services would likely have a minimal impact on premiums, which in turn means that there would be minimal additional cost to the state to offset premium increases.

Coverage requirements in other states

Many other states have already implemented requirements found in S.B. 1043, including the comprehensive sexual and reproductive health requirements. For example:

- In 2018 the Washington Legislature passed Substitute Senate Bill 6219, also known as the Reproductive Parity Act.¹ This legislation required that state-regulated health plans that cover maternity care provide substantially equivalent coverage for abortion care. It also expanded contraceptive coverage requirements beyond those in the federal Patient Protection and Affordable Care Act (PPACA), including gender-neutral coverage of sterilization services for all enrollees and coverage of over-the-counter contraception. None of the requirements in this legislation was determined to be a new mandate that would trigger section 1311(d)(3) of the PPACA.
- In 2017 the Oregon Legislature passed House Bill 3391, also known as the Reproductive Health Equity Act.² This bill required comprehensive, non-discriminatory coverage of sexual and reproductive health care services. This included coverage of abortion and a wide range of other sexual and reproductive health care services at no out-of-pocket cost to the patient.

Several states have also put in place laws that codify existing requirements from the PPACA to ensure that those important protections stay in place at the state level, no matter what happens at the federal level. For example, in 2017, Washington State enacted legislation requiring state-regulated health plans to cover all preventive services required to be covered under federal law as of December 31, 2016, without cost sharing.³ The requirements of this legislation are broader than Hawaii’s S.B. 1043, but the women’s preventive health services they are nearly identical to the coverage required in §431:10A-A(a)(1) of S.B. 1043. In the fiscal note for Washington’s legislation, the Washington Office of the Insurance Commissioner (OIC) noted that “[t]his bill does not have a direct fiscal impact on the OIC because the bill maintains coverage of preventive services with zero cost-sharing as they currently exist in Federal law and are currently being enforced by the OIC.”⁴ As OIC rightly stated, these are not new requirements: S.B. 1043 and similar legislation in other states simply require health plans to continue covering the basic women’s health care that the PPACA already requires them to cover. These coverage requirements are already in place across the country and have already been well-defined.

Other states that have passed coverage requirements have found that continuing to require health plans to cover existing mandates in the PPACA is simple and minimally burdensome. And other states have also determined that passing legislation that includes broader coverage requirements than those included in the PPACA does not necessarily create new mandates, because in some cases these coverage requirements simply clarify and codify the state’s existing commitment to covering comprehensive, non-discriminatory sexual and reproductive health care. In implementing S.B. 1043, Hawaii can look to the example of other states and learn from their experiences and successes.

Protecting confidentiality

The HIPAA Privacy Rule requires providers and insurers to protect patients’ Personal Health Information (PHI). However, a provision allowing for some disclosures in connection with billing and payment can and does lead to the disclosure of patients’ PHI, sometimes without their understanding or permission. Without strong

¹ Washington Legislature, *Senate Bill 6219*, 2018. Accessed at <https://app.leg.wa.gov/billsummary?BillNumber=6219&Initiative=false&Year=2017>

² Oregon legislature, *Senate Bill 3391*, 2017. Accessed at <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB3391>

³ Washington State Legislature, *Engrossed Substitute House Bill 1523*, 2018. Accessed at <https://app.leg.wa.gov/billsummary?BillNumber=1523&Year=2017&Initiative=false>

⁴ Washington State Office of Financial Management, *Multi-Agency Fiscal Note Summary for ESHB 1523*, 2018. Accessed at <https://fortress.wa.gov/ofm/fnspublic/FNSPublicSearch/Search/1523/65>

protections to prevent such disclosure, teens and young adults insured on their parents' health plan may be deterred from seeking care, particularly sensitive services like reproductive health care and mental health services. Victims of domestic and sexual assault may also be prevented from safely accessing care such as contraception and STD testing without their abuser finding out. And if individuals with confidentiality concerns do seek care they may not be able to use their insurance, forcing them to pay out-of-pocket or turn to already-strained safety net programs such as the Title X family planning program.

A number of other states have also taken steps to improve health care access and protect confidentiality for individuals insured as dependents by requiring that health plans communicate directly with the individual receiving care. Planned Parenthood strongly supports putting in place similar confidentiality protections in Hawaii.

Access to comprehensive sexual and reproductive health care, without discrimination, is critical for the health and economic security of people in Hawaii. This bill will give more people in Hawaii the ability to decide if and when they have children based on what's best for them and their family's circumstances. Hawaii must continue its leadership in promoting all peoples' ability to access the health care they need and deserve, no matter what happens at the federal level. Please give Hawaii families access to the health care they need to thrive by supporting S.B. 1043.

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,
Laurie Field
Hawaii State Director



ACOG

The American College of
Obstetricians and Gynecologists

*American College of
Obstetricians and Gynecologists*

District VIII, Hawai'i (Guam & American Samoa) Section

TO: House Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

DATE: Tuesday, March 12, 2019

PLACE: Hawaii State Capitol, Conference Room 329

FROM: Hawai'i Section, ACOG
Dr. Chrystie Fujimoto, MD, FACOG, Chair
Dr. Reni Soon, MD, MPH, FACOG, Vice Chair
Lauren Zirbel, Community and Government Relations
Dr. Danielle Ogez, MD, MPP, Junior Fellow Chair

Re: SB 1043_SD2 - Relating to Health Care

Position: STRONG SUPPORT

As a section of the Nation's leading group of physicians dedicated to improving health care for women, the Hawai'i Section of the American College of Obstetricians and Gynecologists (HI ACOG) represents more than 200 obstetrician-gynecologists in our state. HI ACOG **strongly supports SB 1043_SD2** as it aims to protect access to comprehensive sexual and reproductive health care services in Hawai'i.

Hawai'i has a legacy of progressive action and legislation regarding reproductive rights, family planning, and access to basic health care services. However, as the current national political climate aims to restrict access to reproductive health services, it is even more critical that the Hawai'i state legislature enact this measure in order to protect these fundamental services for Hawai'i's families.

As women's health care providers, we see on a daily basis how women in our state depend on access to a wide spectrum of reproductive health care services, including screening and treatment for sexually transmitted infections; cervical cancer screening and treatment; contraceptive counseling; affordable contraceptive supplies and prescriptions; abortion and miscarriage management; and comprehensive well-woman and postpartum care. Every patient we have the privilege to care for has needed one of more of these services during the course of her life, and having access to these medications, services, and procedures without prohibitive costs allows that patient to receive timely, evidence-based health care. We also see the devastating health consequences that occur when a patient does not have access to these basic services. It is not infrequent that a simple treatable disease such as an abnormal pap smear progresses to late stage metastatic cancer due to lack of access to basic health care services. By supporting legislation that promotes access to basic health care services, patients can more easily navigate through difficult health conditions, and more quickly return to their lives, to their families, and to contributing to our community. Furthermore, numerous studies have shown that public investment in reproductive health and family planning services saves far more in long term health care costs.

This legislation would also ensure that all people in Hawai'i can access these critical services regardless of gender or sexual orientation. Let's continue to be one of this nation's leaders in ensuring reproductive health care access for all. HI ACOG **strongly supports SB 1043_SD2** and urges you to do the same. Thank you for the opportunity to testify.

SB-1043-SD-2

Submitted on: 3/9/2019 6:54:00 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Rainbow Family 808	Support	No

Comments:

As a member of the LGBT Caucus, Democratic Party of Hawai'i, I strongly support SB1043.

Mike Golojuch, Sr.

SB-1043-SD-2

Submitted on: 3/9/2019 8:32:36 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Mizuno, Vice-Chair Kobayashi, and members of the committee,

AAUW of Hawaii strongly supports SB1043 SD2 which requires insurers to cover a number of sexual and reproductive health services including abortion, screening and appropriate counseling or intervention for substance abuse and mental health including depression.

Recently, the federal administration has sought to enact rules that would allow employers to refuse to provide contraception coverage on the basis of moral or religious reasons. Although a federal court has issued a nationwide injunction preventing these rules from going into effect, the rules are still a threat. The federal administration has also proposed rules that would make it extremely difficult for insurers to cover abortion. Given these federal attacks on basic rights and health care, it is more important than ever for Hawaii to ensure that nobody loses access to the health care they depend on.

Please pass this important bill so Hawaii can continue its leadership in health care. Thank you for the opportunity to submit this testimony.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.



March 12, 2019

House's Committee on Health
Hawaii State Capitol
415 South Beretania Street, Room 319
Honolulu, HI 96813

Hearing: Tuesday, March 12, 2019 – 9:00 a.m.

RE: **STRONG SUPPORT Senate Bill 1043 SD2** – RELATING TO HEALTH CARE

Aloha Chair Mizuno, Vice Chair Kobayashi and fellow committee members,

I am writing in SUPPORT Senate Bill 1043 SD 2 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 1043 SD 2 would require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures. Prohibits discrimination in the provision of reproductive health care services.

SB 1043 is necessary to ensure that the only people making health care decisions are the patient, in consultation with their doctor. This bill will ensure that health insurers, mutual benefit societies, and health maintenance organizations are not making health care decisions.

The LGBT Caucus is glad to see that SB 1043 SD 2 also includes coverage for pre-exposure prophylaxis (PrEP). PrEP prevents the spread of HIV especially if used in combination with condoms. New HIV cases are on the rise and we need to ensure that PrEP is covered by everyone's health insurance. The upfront cost of PrEP is 1,000 times cheaper than treating HIV or AIDS.

Mahalo for the opportunity to testify and the LGBT Caucus of the Democratic Party of Hawai'i asks that you support SB 1043 SD 2.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

SB-1043-SD-2

Submitted on: 3/8/2019 10:27:20 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride Work HI	Pride at Work Hawaii	Support	No

Comments:

Dear Representatives,

Pride@Work Hawaii supports the passage of SB 1043 SD2.

Mahalo for the opportunity to testify.

Pride@Work Hawaii

To: Hawaii State House Committee on Health
Hearing Date: Tuesday, March 12, 2019 at 9:00 a.m.
Re: Testimony of Save Medicaid Hawaii in strong support of S.B. 1043, SD 1 relating to Health Insurance

Dear Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee,

Save Medicaid Hawaii writes in strong support of S.B. 1043, SD 1 which seeks to protect and expand access to critical sexual and reproductive health care for people in Hawaii.

The current administration continues to pursue restrictions on health care access and undermine consumer protections. Having been largely thwarted in Congress they have turned to federal rule making. Most recently, the **federal administration has sought to enact rules that would allow employers to refuse to provide contraception coverage on the basis of moral or religious reasons**. Although a federal court has issued a nationwide injunction preventing these rules from going into effect, the rules are still a threat as it is highly likely that the decision will be appealed to the Supreme Court. The federal administration has also proposed rules that would make it extremely difficult for insurers to cover abortion. Without S.B. 1043, insurers will most certainly consider dropping or limiting coverage these essential reproductive health services.

Given these federal attacks on basic rights and health care, it is more important than ever that our state legislature act to ensure that nobody loses access to the health care and protections they depend on. S.B. 1043 will do just that. This legislation would codify the Affordable Care Act's preventive service coverage requirements in state law, ensuring that people in Hawaii don't lose their access to no-copay preventive services such as birth control, well-woman exams, and life-saving cancer screenings. It would also strengthen and expand these coverage requirements by requiring coverage of the full range of sexual and reproductive health care services, including abortion and treatment to avoid HIV. And it would make sure that all people in Hawaii can access these important services, regardless of gender, gender identity, or sexual orientation.

Access to comprehensive sexual and reproductive health care, without discrimination, is critical for the health and economic security of people in Hawaii. This bill will give more people in Hawaii the ability to decide if and when they have children based on what's best for them and their family's circumstances. Hawaii must continue its leadership in promoting all peoples' ability to access the health care they need and deserve, no matter what happens at the federal level. Please give Hawaii families access to the health care they need to thrive by supporting S.B. 1043, SD 1. Thank you for this opportunity to testify in support of this important legislation.

Sincerely,

Doris Segal Matsunaga

On behalf of Save Medicaid Hawaii

Save Medicaid Hawaii, a network of people advocating for NO CUTS in Medicaid and working towards a stronger health care system in Hawaii that provides high quality universal health care for all.. <https://www.facebook.com/SaveMedicaidHawaii/>



**Testimony to the House Committee on Health
Tuesday, March 12, 2019; 9:00 a.m.
State Capitol, Conference Room 329**

RE: COMMENTING ON SENATE BILL NO. 1043, SENATE DRAFT 2, RELATING TO HEALTH CARE

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **COMMENTS** on Senate Bill No. 1043, Senate Draft 2, RELATING TO HEALTH CARE.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

To date, our Board of Directors continues to analyze this bill with the hope of reaching consensus on an official position. In the meanwhile, we would like to share our perspectives on SECTION 11 of this bill.

SECTION 11 would establish a new section to the Department of Human Services' (DHS) statutes (Chapter 346, Hawaii Revised Statutes (HRS)) that would prohibit the exclusion from participation in, denial of benefits of, or otherwise subject an individual on the basis of a disability the services, drugs, devices, products, or procedures covered by the Insurance Code for reproductive health care. Persons violating this statute would be considered in violation of Chapter 481, HRS, (Unfair Practices Act), as well as possibly be subjected to a cause of action under State or federal law.

As a recipient of federal funding, FQHCs are prohibited from providing abortion services to patients. FQHCs, are also contracted with DHS for reimbursement under the Hawaii Medicaid Program and as such must follow the statutes, rules, and policies of DHS.

Presently, the following are unclear to us:

- (1) If a physician at an FQHC refuses to perform an abortion at an FQHC facility in accordance with federal mandate, would the physician be in violation of SECTION 11?
- (2) If a physician at an FQHC refers a patient to another health care professional to perform an abortion, would that be considered a denial of service in violation of SECTION 11?
- (3) If yes is answered for either question (1) or (2) above, would the Federal Tort Claim Act, which provides immunity for physicians and personnel conducting services at an FQHC, apply to a cause of action that originates in State court pursuant to SECTION 11?

While we agree with the underlying premise that mandatory reproductive health coverage will improve the health care outcomes of our citizenry, we also believe that possible conflicts in federal and State policy can have catastrophic consequences for health care professionals who must follow the mandates from both.

We will continue to research these issues and monitor this bill as it proceeds through the legislative process.

Lastly, we concur with the Senate Committee on Judiciary's finding in Senate Standing Committee Report No. 798, to wit:

*" . . . Your Committee is concerned, however, that the reference to chapter 481, Hawaii Revised Statutes, for penalty and remedy purposes, as specified for each proposed revision to chapter 431, parts I and II; chapter 432; chapter 432D; and **chapter 346**, Hawaii Revised Statutes, should be more closely examined by stakeholders and future committees during the legislative process, and revised if appropriate. . . "* [Emphasis added.]

In advance, thank you for your consideration of our testimony.

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
House Committee on Health
The Honorable John M. Mizuno, Chair
The Honorable Linda Ichiyama, Vice Chair

March 12, 2019
9:00 am
Conference Room 329

SB 1043, SD2 Relating to Health Care

Chair, Vice Chair, and committee members, thank you for this opportunity to provide testimony on this measure mandating coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures.

Kaiser Permanente Hawaii would like to offer comments.

Kaiser is concerned that this bill attempts to mandate new coverage beyond the ACA, and therefore, an impact assessment report is *statutorily required* under Sections 23-51 and 23-52 of the Hawaii Revised Statutes. Furthermore, any addition of a new mandated coverage may trigger section 1311(d)(3) of the federal Patient Protection and Affordable Care Act, which would require the State to defray the cost.

Additionally, Kaiser is concerned with this bill's requirement that "*A bill or statement for services from any health care provider or insurer shall be sent directly to the person receiving the services.*" See Page 9, lines 3-5. *Currently, the subscriber, employer or guarantor is the only entity that receives health plan information, including billing and EOB statements.* These are the same entities responsible/eligible for enrollment and dues payment. Therefore, this amendment would impact insurer's current workflow by requiring information for services to be now sent to the patient, even when the health plan may not be aware that such information has been deemed confidential.

Under the federal privacy rule (HIPAA), a patient is already afforded the right to request confidential services, i.e., by requesting that an appointment be deemed confidential, including a right to request that billing be confidentially sent to whatever address desired. See HIPAA §164.522(b)(1). Accordingly, there is no need for this bill's duplicative confidential protection, *which will have the unintended consequence of significantly disrupting an insurer's current business practice.*

For the above reasons, we respectfully request that this measure be deferred.

Thank you for your consideration.

SB-1043-SD-2

Submitted on: 3/11/2019 10:07:53 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Community Alliance on Prisons	Support	Yes

Comments:



March 11, 2019

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
House Committee on Health

Re: SB 1043, SD2 – Relating to Health Care

Dear Chair Mizuno, Vice Chair Kobayashi, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 1043, SD2 which requires health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures. Prohibits discrimination in the provision of reproductive health care services.

HMSA appreciates the intent of this measure, to preserve certain aspects of the Affordable Care Act for the residents of Hawaii, despite the uncertainties surrounding the current Presidential administration's efforts to "repeal and replace" the Affordable Care Act. HMSA has always worked to ensure it provides reproductive benefits to its members.

However, we have serious concerns on this measure as it appears to add coverage beyond the Affordable Care Act, and will result in increased costs to the healthcare system. The requirement of "no-copay's" on all services in this bill goes against cost sharing that is routinely applied to other medical conditions. We also have concerns on the section of the bill that mandates payment to out of network providers.

We ask that should this bill move forward it should be subject to an impact assessment report by the Auditor as required by HRS 23-51.

Thank you for allowing us to provide these comments on SB 1043, SD2.

Sincerely,

Pono Chong
Vice President, Government Relations

SB-1043-SD-2

Submitted on: 3/11/2019 10:10:54 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mandy Fernandes	ACLU of Hawaii	Support	Yes

Comments:

SB-1043-SD-2

Submitted on: 3/11/2019 4:15:42 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chrystie Fujimoto	Individual	Support	No

Comments:

TESTIMONY IN SUPPORT OF
S.B. 1043 – RELATING TO HEALTH CARE.

House Committee on Health
Rep. John M. Mizuno, Chair
Rep. Bertrand Kobayashi, Vice Chair
March 12th, 2018, 9:00 a.m., Conference Room 329

Dear Chair Mizuno and Members of the Committee,

Everybody deserves affordable and equitable access to reproductive and sexual health care, regardless of gender, gender identity, citizenship status, or income. SB 1043 could make this a reality.

This bill comes at an important time, when the rights of women and LGBTQIA+ individuals has been under constant attack from the current federal administration. Last year, the federal administration has enacted rules that allow employers to refuse to provide birth control and other contraception coverage on the basis of moral or religious beliefs. Restrictions on reproductive health can, and will cause harmful effects on the public health, particularly for those who already face significant barriers to receiving care, such as low-income women, women of color, immigrant women, young women, survivors of domestic violence, and transgender and gender-nonconforming people. While the federal court issues a nationwide injunction that prevented those rules from going into effect, the mere idea of that the federal government attempted to pass this is a threat. United States has no official religion and religion should not influence how a government is ran. This includes the health care system which is readily used by people with different belief systems.

Additionally, the federal administration recently proposed an act that makes it extremely difficult for insurers to cover abortion. With these federal attacks on basic rights and health care, it is imperative that Hawaii continues to provide them on a state level. This bill ensures that regardless of what is happening on a federal level, residents of Hawai'i will not lose their access to no-copay preventive services such as life-saving cancer screenings and birth control. Access to comprehensive sexual & reproductive health care without discrimination is a must.

Hawaii should continue to be a national leader and protect reproductive health equity for all people. I urge you to support SB 1043.

Sincerely,
Jennifer Hsu

SB-1043-SD-2

Submitted on: 3/10/2019 12:21:15 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Support	No

Comments:

SB-1043-SD-2

Submitted on: 3/11/2019 12:00:23 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Smart	Individual	Oppose	No

Comments:

Do not pass SB1043 SD2. There are a lot of mandated "reproductive" health services listed in this bill that many of your constituents find to be reprehensible. We do not want these services included in our health insurance. We don't want our tax dollars going to unethical services. Employers must have the option to limit services to only those they determine to be morally acceptable. There are many services listed that violate God's moral law. Many Hawaii residents want insurance choices - not mandates. A large number of your constituents don't want their tax dollars going to maiming and disabling perfectly healthy reproductive organs and functionality. This bill promotes reproductive health disabling - not health care. There is nothing healthy about abortion or sterilization. At least one person MUST die in an abortion and there is a possibility that more than one death could occur. Sterilization permanently robs a person of their greatest gift -- of the ability to procreate new human beings. When abortion was introduced, it was all about choice but this bill is mandates "no-copay" coverage unethical procedures. Legislation must allow insurances policies to be a smorgasborg of services from which the client can choose. In a free society, other providers can provide those services if they find them morally acceptable. Every provider must have the option to opt out services that the side effects are more negative than the potential benefits. Vote NO. Do not pass this bill.

SB-1043-SD-2

Submitted on: 3/11/2019 4:54:54 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner MPH	Individual	Support	No

Comments:

SB-1043-SD-2

Submitted on: 3/10/2019 10:14:53 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Ogez	Individual	Support	No

Comments:

Dear Chair Mizuno, Vice Chair Kobayashi and members of the House Committee on Health -

I am an obstetrician-gynecologist in Hawaii and I specialize in reproductive health care. I know firsthand the importance of my patients being able to access the full spectrum of reproductive health care services, from cervical and breast cancer screenings to screenings for intimate partner violence to screenings for sexually transmitted infections to abortion and pregnancy care. I have seen the consequences that happen when a woman cannot access that care, consequences not only that individual, but to her family and her community.

I have seen women have late stage cervical cancer because they did not have insurance coverage for pap smears. I have seen women have unwanted pregnancies because they did not have insurance coverage for contraception. I have seen multiple partners be affected by a sexually transmitted infection due to no access to screening and treatment.

The time to protect the health of Hawaii's people and to pass this legislation is now. The current federal government has shown us what they think of women and families and have passed measures that have restricted reproductive healthcare access. We must protect Hawaii. I urge you to pass SB 1043 SD2. Thank you for this opportunity to testify.

Dr. Danielle Ogez

SB-1043-SD-2

Submitted on: 3/8/2019 10:19:10 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Michaels	Individual	Support	No

Comments:

SB-1043-SD-2

Submitted on: 3/9/2019 3:27:54 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jordan Smith	Individual	Support	No

Comments:

Dear Chair Mizuno and Members of the Committee on Health,

My name is Jordan Smith and I am a resident of Hawaii (represented by House District 29 and Senate District 13) and a woman of reproductive age. Everybody deserves affordable and equitable access to reproductive and sexual health care, regardless of gender, gender identity, citizenship status, or income. SB 1043, SD2 could make this a reality.

This bill comes at a critical juncture, when the rights of immigrants, people of color, LGBTQ people, and women are all under attack. Restrictions on reproductive health care have been shown to cause harmful effects on public health, particularly for those who already face significant barriers to receiving care, such as low-income women, women of color, immigrant women, young women, survivors of domestic violence, and transgender and gender-nonconforming people.

Hawaii should continue to be a national leader and protect reproductive health equity for all people. I urge you to support SB 1043 and pass it out of committee.

Best,

Jordan

Honolulu, HI 96817

Hearing Date: March 12, 2019

To: Senator Mizuno, Senator Kobayashi, and Members of the House Committee on Health

From: Shandhini Raidoo, MD, MPH

Re: SB 1043_SD2 – Relating to Health Care

Position: Strong support

Dear Chair Mizuno, Vice Chair Kobayashi and members of the House Committee on Health,

I am an obstetrician-gynecologist in Hawaii and I specialize in reproductive health care. I know firsthand the importance of my patients being able to access the full spectrum of reproductive health care services, from cervical and breast cancer screenings to screenings for intimate partner violence to screenings for sexually transmitted infections to abortion and pregnancy care. I have seen the consequences not only for an individual, but her family and her community, when a woman cannot access that care.

The time to protect the health of Hawaii's people and to pass this legislation is now. The current federal government has shown us what they think of women and families and have passed measures that have restricted reproductive healthcare access. We must protect Hawaii. I urge you to pass SB 1043 SD2. Mahalo for this opportunity to testify.

For these reasons outlined above, **I support SB 1043_SD2**

Please protect the health of women in Hawaii and their families by supporting SB 1043_SD2.

Mahalo for your time and consideration,

Shandhini Raidoo, MD, MPH

SB-1043-SD-2

Submitted on: 3/9/2019 5:26:37 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Onderko	Individual	Support	No

Comments:

SB-1043-SD-2

Submitted on: 3/10/2019 4:09:14 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Harris	Individual	Support	No

Comments:

Dear Chair Mizuno, Vice Chair Kobayashi and members of the House Committee on Health,

I am an obstetrician-gynecologist in Hawaii and I specialize in reproductive health care. I know firsthand the importance of my patients being able to access the full spectrum of reproductive health care services, from cervical and breast cancer screenings to screenings for intimate partner violence to screenings for sexually transmitted infections to abortion and pregnancy care. I have seen the consequences on not only that individual, but her family and her community, when a woman cannot access that care.

The time to protect the health of Hawaii's people and to pass this legislation is now. The current federal government has shown us what they think of women and families and have passed measures that have restricted reproductive healthcare access. We must protect Hawaii. I urge you to pass SB 1043 SD2. Mahalo for this opportunity to testify.

Sincerely,

Sara C. Harris, MD

SB-1043-SD-2

Submitted on: 3/10/2019 4:11:14 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Chin	Individual	Support	No

Comments:

Dear Chair Mizuno, Vice Chair Kobayashi and members of the House Committee on Health -

I am an obstetrician-gynecologist resident in Hawaii and I specialize in reproductive health care. I know firsthand the importance of my patients being able to access the full spectrum of reproductive health care services, from cervical and breast cancer screenings to screenings for intimate partner violence to screenings for sexually transmitted infections to abortion and pregnancy care. I have seen the consequences on not only that individual, but her family and her community, when a woman cannot access that care.

The time to protect the health of Hawaii's people and to pass this legislation is now. The current federal government has shown us what they think of women and families and have passed measures that have restricted reproductive healthcare access. We must protect Hawaii. I urge you to pass SB 1043 SD2. Mahalo for this opportunity to testify.

Sincerely,

Jennifer Chin

SB-1043-SD-2

Submitted on: 3/8/2019 9:55:48 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Buck Joiner	Individual	Support	No

Comments:

3443 Malina Place, Kihei, HI 96753 808-874-BUCK (2825) buck@tiki.net

March 8, 2019

SB1043 SD2 in support

Dear Chair John M. Mizuno and members of the COMMITTEE ON HEALTH

I support SB1043 SD2 in its intent to ensure the health and safety of females in our state from all ethnicities and cultures and all economic levels. In these difficult times with a friggig idiot in the Whitehouse and his sniveling gutless, brainless, heartless party members in congress, it is necessary for the elected state officials step up and ensure that the citizens of our spectacular state be protected and guaranteed access to appropriate and necessary health care.

Please pass this measure.

Sincerely

Buck Joiner

Maui

Lifetime motto and commitment Here to Help

SB-1043-SD-2

Submitted on: 3/11/2019 8:38:31 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Inouye	Individual	Support	No

Comments:

Chair Mizuno, Vice-Chair Kobayashi, and Members of the Health Committee,

I am in support of SB1043, SD2. This bill will provide access and coverage for comprehensive reproductive health care services.

I am an obstetrician/gynecologist on Maui. I know the importance of patient access to and coverage of reproductive health care services, especially being on a neighbor island. I have seen the consequences of women and their children/family when a woman cannot access or afford health care.

Please pass SB1043, SD2. We need to protect the women of Hawaii from current federal restrictions.

Sincerely,

Colleen F Inouye MD MMM FAAPL FACOG Jefferson Univ Population Health

SB-1043-SD-2

Submitted on: 3/10/2019 10:06:43 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Foster	Individual	Support	No

Comments:

Dear Representatives,

Hawaii should continue to be a national leader and protect reproductive health equity for all people. I urge you to support SB 1043 and pass it out of committee.

Sincerely,

Jenny Foster, PhD, CNM, MPH, FACNM, FAAN

Resident of Manoa. Retired Professor from Emory University in Atlanta, GA

SB-1043-SD-2

Submitted on: 3/11/2019 2:12:56 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Maisa Thayer	Individual	Support	No

Comments:

Dear Chair and Members of the Committee,

I am a third generation Hawaii resident from the windward side and I am writing in strong support of S.B. 1043, SD2, which seeks to protect and expand access to critical sexual and reproductive health care for people in Hawaii.

Protecting and expanding access to sexual and reproductive health is not only the right thing to do: it is also cost-effective for consumers and health plans alike.

Many other states have already implemented requirements found in S.B. 1043, including the comprehensive sexual and reproductive health requirements.

A number of other states have also taken steps to improve health care access and protect confidentiality for individuals insured as dependents by requiring that health plans communicate directly with the individual receiving care. I strongly support putting in place similar confidentiality protections in Hawaii.

Access to comprehensive sexual and reproductive health care, without discrimination, is critical for the health and economic security of people in Hawaii. This bill will give more people in Hawaii the ability to decide if and when they have children based on what's best for them and their family's circumstances.

Hawaii must continue its leadership in promoting all peoples' ability to access the health care they need and deserve, no matter what happens at the federal level. Please give Hawaii families access to the health care they need to thrive by supporting S.B. 1043.

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,

Maisa Thayer



March 11, 2019

House Committee on Health
The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair

LATE

Senate Bill 1043, SD2 – Relating to Health Care

Dear Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify on SB 1043, SD2.

HAHP appreciates the intent of this bill, but we have serious concerns with the expansion of coverage for reproductive services beyond what has been established the Affordable Care Act. As this would be a new mandated benefit, it is subject to an impact assessment report by the Auditor pursuant to Sections 23-51 and 23-52 of the Hawaii Revised Statutes.

Thank you for allowing us to respectfully express our opposition to SB 1043, SD2.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

LATE

SB-1043-SD-2

Submitted on: 3/11/2019 10:36:38 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Bonnet	Individual	Support	No

Comments:

SB-1043-SD-2

Submitted on: 3/12/2019 1:37:52 AM

Testimony for HLT on 3/12/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: