

SB 1272



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

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

335 MERCHANT STREET, ROOM 310

P.O. Box 541

HONOLULU, HAWAII 96809

Phone Number: 586-2850

Fax Number: 586-2856

www.hawaii.gov/dcca

KEALI'I S. LOPEZ
DIRECTOR

EVERETT KANESHIGE
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Thursday, February 24, 2011
9 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 1272, S.D. 1 – RELATING TO INSURANCE.

TO THE HONORABLE DAVID IGE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner ("Commissioner"), testifying on behalf of the Department of Commerce and Consumer Affairs ("Department"). Thank you for hearing this bill. The Department strongly supports this Administration bill.

The purpose of this bill is to adopt the National Association of Insurance Commissioners' ("NAIC") Risk-Based Capital for Health Organizations Model Act. The intent of this model act is to apply consistent regulatory treatment to health maintenance organizations ("HMO"), mutual benefit societies ("MBS"), fraternal benefit societies ("FBS"), managed care plans, and similar risk-bearing entities.

The S.D. 1 made technical changes to the bill.

Risk-based capital is a method of establishing the minimum amount of capital appropriate for an insurer to support its overall business operations, in consideration of its size, structure, and risk profile. The risk-based capital regime allows for graduated regulatory intervention that is appropriate for the level of trouble that an insurer finds

itself in. It helps the Insurance Division to be pro-active in protecting consumers from the hardship of insurer insolvencies.

Risk-based capital requirements are currently contained in part IV of article 3, of the Insurance Code, HRS chapter 431. These provisions expressly apply to property and casualty insurers and life or accident and health or sickness insurers. Risk-based capital requirements should be extended to include MBS, FBS, and HMO, because the federal health reform under the Patient Protection and Affordable Care Act will introduce significant uncertainty into the market.

Adoption of NAIC model laws and regulations is essential for the Insurance Division to retain NAIC accreditation. The NAIC financial regulation standards and accreditation program ensures that each state has adequate solvency laws and regulations to protect consumers and guarantee funds.

We thank this Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 24, 2011

The Honorable David Y. Ige, Chair
The Honorable Michelle Kidani, Vice Chair

Senate Committee on Ways and Means

Re: SB 1272 SD1 – Relating to Insurance

Dear Chair Ige, Vice Chair Kidani and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 1272 SD1 which would update the Insurance Code to adopt model laws and regulations for risk based capital (RBC) for health plans operating in the state. HMSA supports the proposed changes in the sections which apply to health plans; we take no position on the sections of the measure which apply to different types of insurers.

RBC is a method of establishing the minimum amount of capital appropriate for a health plan to support its overall business operations, in consideration of its size, structure, and risk profile. The changes being proposed for the RBC provisions of the Insurance Code for mutual benefit societies and health maintenance organizations would appear to strengthen the current language. We believe this will promote the public interest by ensuring the financial solvency of health plans in the state.

We appreciate the Insurance Commissioner's proposed changes and respectfully urge the Committee to pass this measure today. Thank you for the opportunity to testify.

Sincerely,

Jennifer Diesman
Vice President
Government Relations