

JAN 20 2017

A BILL FOR AN ACT

RELATING TO NATUROPATHIC PHYSICIANS.

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

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A to be
3 appropriately designated and to read as follows:

4 "§431:10A- Primary care provider; naturopathic
5 physician. (a) Each policy of accident and health or sickness
6 insurance delivered or issued for delivery in this State shall
7 recognize naturopathic physicians licensed pursuant to chapter
8 455 as participating providers and shall include coverage for
9 care provided by participating naturopathic physicians
10 practicing within the scope of their licenses for purposes of
11 health maintenance, diagnosis, or treatment to the extent that
12 the policy provides benefits for identical services rendered by
13 another health care provider.

14 (b) Notwithstanding any other law to the contrary, an
15 insurer may recognize a participating naturopathic physician as
16 a primary care provider if the insured's policy requires the
17 selection of a primary care provider. The insurer shall include



1 participating naturopathic physicians who practice as primary
2 care providers on any publicly available list of participating
3 primary care providers; provided that the insurer retains the
4 right to determine the contracting criteria for a participating
5 primary care provider.

6 (c) For the purposes of this section, "participating
7 naturopathic physician" means a naturopathic physician who has
8 contracted with the insurer to provide health care services to
9 the insurer's insureds."

10 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
11 amended by adding a new section to article 1 to be appropriately
12 designated and to read as follows:

13 "§432:1- Primary care provider; naturopathic physician.

14 (a) Each individual or group hospital or medical contract
15 delivered or issued for delivery in this State by a mutual
16 benefit society shall recognize naturopathic physicians licensed
17 pursuant to chapter 455 as participating providers and shall
18 include coverage for care provided by participating naturopathic
19 physicians practicing within the scope of their licenses for
20 purposes of health maintenance, diagnosis, or treatment to the



1 extent that the policy provides benefits for identical services
2 rendered by another health care provider.

3 (b) Notwithstanding any other law to the contrary, a
4 mutual benefit society may recognize a participating
5 naturopathic physician as a primary care provider if the
6 member's policy requires the selection of a primary care
7 provider. The mutual benefit society shall include
8 participating naturopathic physicians who practice as primary
9 care providers on any publicly available list of participating
10 primary care providers; provided that the mutual benefit society
11 retains the right to determine the contracting criteria for a
12 participating primary care provider.

13 (c) For the purposes of this section, "participating
14 naturopathic physician" means a naturopathic physician who has
15 contracted with the mutual benefit society to provide health
16 care services to the society's members."

17 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
18 amended by adding a new section to article 2 to be appropriately
19 designated and to read as follows:

20 "§432:2- Primary care provider; naturopathic physician.

21 (a) Each policy of insurance delivered or issued for delivery



1 in this State by a fraternal benefit society shall recognize
2 naturopathic physicians licensed pursuant to chapter 455 as
3 participating providers and shall include coverage for care
4 provided by participating naturopathic physicians practicing
5 within the scope of their licenses for purposes of health
6 maintenance, diagnosis, or treatment to the extent that the
7 policy provides benefits for identical services rendered by
8 another health care provider.

9 (b) Notwithstanding any other law to the contrary, a
10 fraternal benefit society may recognize a participating
11 naturopathic physician as a primary care provider if the
12 member's policy requires the selection of a primary care
13 provider. The fraternal benefit society shall include
14 participating naturopathic physicians who practice as primary
15 care providers on any publicly available list of participating
16 primary care providers; provided that the fraternal benefit
17 society retains the right to determine the contracting criteria
18 for a participating primary care provider.

19 (c) For the purposes of this section, "participating
20 naturopathic physician" means a naturopathic physician who has



1 contracted with the fraternal benefit society to provide health
2 care services to the society's members."

3 SECTION 4. Section 431:10A-115.5, Hawaii Revised Statutes,
4 is amended by amending subsection (e) to read as follows:

5 "(e) For the purposes of this section, "child health
6 supervision services" means [~~physician-delivered, physician-~~
7 ~~supervised, physician-assistant delivered, or nurse delivered~~
8 ~~services as defined by section 457-2 ("registered nurse")]~~
9 services supervised by a physician or osteopathic physician
10 licensed pursuant to chapter 453 or services delivered by a
11 physician or osteopathic physician licensed pursuant to chapter
12 453, a naturopathic physician licensed pursuant to chapter 455,
13 or a registered nurse licensed pursuant to chapter 457 which
14 shall include as the minimum benefit coverage for services
15 delivered at intervals and scope stated in this section."

16 SECTION 5. Section 431:10A-116, Hawaii Revised Statutes,
17 is amended to read as follows:

18 "**§431:10A-116 Coverage for specific services.** Every
19 person insured under a policy of accident and health or sickness
20 insurance delivered or issued for delivery in this State shall
21 be entitled to the reimbursements and coverages specified below:



1 (1) Notwithstanding any provision to the contrary,
2 whenever a policy, contract, plan, or agreement
3 provides for reimbursement for any visual or
4 optometric service, which is within the lawful scope
5 of practice of a duly licensed optometrist, the person
6 entitled to benefits or the person performing the
7 services shall be entitled to reimbursement whether
8 the service is performed by a licensed physician or by
9 a licensed optometrist. Visual or optometric services
10 shall include eye or visual examination, [~~or both,~~] or
11 a correction of any visual or muscular anomaly[~~]~~ and
12 the supplying of ophthalmic materials, lenses, contact
13 lenses, spectacles, eyeglasses, and appurtenances
14 thereto;

15 (2) Notwithstanding any provision to the contrary, for all
16 policies, contracts, plans, or agreements issued on or
17 after May 30, 1974, whenever provision is made for
18 reimbursement or indemnity for any service related to
19 surgical or emergency procedures, which is within the
20 lawful scope of practice of any practitioner licensed
21 to practice medicine in this State, reimbursement or



1 indemnification under the policy, contract, plan, or
2 agreement shall not be denied when the services are
3 performed by a dentist acting within the lawful scope
4 of the dentist's license;

5 (3) Notwithstanding any provision to the contrary,
6 whenever the policy provides reimbursement or payment
7 for any service, which is within the lawful scope of
8 practice of a psychologist licensed in this State, the
9 person entitled to benefits or performing the service
10 shall be entitled to reimbursement or payment [7]
11 whether the service is performed by a licensed
12 physician or licensed psychologist;

13 (4) Notwithstanding any provision to the contrary, each
14 policy, contract, plan, or agreement issued on or
15 after February 1, 1991, except for policies that only
16 provide coverage for specified diseases or other
17 limited benefit coverage, but including policies
18 issued by companies subject to chapter 431, article
19 10A, part II and chapter 432, article 1 shall provide
20 coverage for screening by low-dose mammography for
21 occult breast cancer as follows:



1 (A) For women forty years of age and older, an annual
2 mammogram; and

3 (B) For a woman of any age with a history of breast
4 cancer or whose mother or sister has had a
5 history of breast cancer, a mammogram upon the
6 recommendation of the woman's physician.

7 The services provided in this paragraph are
8 subject to any coinsurance provisions that may be in
9 force in these policies, contracts, plans, or
10 agreements.

11 For the purpose of this paragraph, the term "low-
12 dose mammography" means the x-ray examination of the
13 breast using equipment dedicated specifically for
14 mammography, including but not limited to the x-ray
15 tube, filter, compression device, screens, films, and
16 cassettes, with an average radiation exposure delivery
17 of less than one rad mid-breast, with two views for
18 each breast. An insurer may provide the services
19 required by this paragraph through contracts with
20 providers; provided that the contract is determined to
21 be a cost-effective means of delivering the services



1 without sacrifice of quality and meets the approval of
2 the director of health;

3 (5) (A) (i) Notwithstanding any provision to the
4 contrary, whenever a policy, contract, plan,
5 or agreement provides coverage for the
6 children of the insured, that coverage shall
7 also extend to the date of birth of any
8 newborn child to be adopted by the insured;
9 provided that the insured gives written
10 notice to the insurer of the insured's
11 intent to adopt the child prior to the
12 child's date of birth [~~or~~], within thirty
13 days after the child's birth, or within the
14 time period required for enrollment of a
15 natural born child under the policy,
16 contract, plan, or agreement of the insured,
17 whichever period is longer; provided further
18 that if the adoption proceedings are not
19 successful, the insured shall reimburse the
20 insurer for any expenses paid for the child;
21 and



1 (ii) Where notification has not been received by
2 the insurer prior to the child's birth or
3 within the specified period following the
4 child's birth, insurance coverage shall be
5 effective from the first day following the
6 insurer's receipt of legal notification of
7 the insured's ability to consent for
8 treatment of the infant for whom coverage is
9 sought; and

10 (B) When the insured is a member of a health
11 maintenance organization [~~HMO~~], coverage of an
12 adopted newborn is effective:

13 (i) From the date of birth of the adopted
14 newborn when the newborn is treated from
15 birth pursuant to a provider contract with
16 the health maintenance organization, and
17 written notice of enrollment in accord with
18 the health maintenance organization's usual
19 enrollment process is provided within thirty
20 days of the date the insured notifies the
21 health maintenance organization of the



1 insured's intent to adopt the infant for
2 whom coverage is sought; or
3 (ii) From the first day following receipt by the
4 health maintenance organization of written
5 notice of the insured's ability to consent
6 for treatment of the infant for whom
7 coverage is sought and enrollment of the
8 adopted newborn in accord with the health
9 maintenance organization's usual enrollment
10 process if the newborn has been treated from
11 birth by a provider not contracting or
12 affiliated with the health maintenance
13 organization; and
14 (6) Notwithstanding any provision to the contrary, any
15 policy, contract, plan, or agreement issued or renewed
16 in this State shall provide reimbursement for services
17 within the respective allowable scope of practice
18 provided by advanced practice registered nurses
19 licensed pursuant to chapter 457[-] and naturopathic
20 physicians licensed pursuant to chapter 455. Services
21 rendered by advanced practice registered nurses and



1 naturopathic physicians are subject to the same policy
2 limitations generally applicable to health care
3 providers within the policy, contract, plan, or
4 agreement."

5 SECTION 6. Section 431:10A-120, Hawaii Revised Statutes,
6 is amended to read as follows:

7 "**§431:10A-120 Medical foods and low-protein modified food**
8 **products; treatment of inborn error of metabolism; notice.** (a)
9 Each policy of accident and health or sickness insurance, other
10 than life insurance, disability income insurance, and long-term
11 care insurance, issued or renewed in this State, each employer
12 group health policy, contract, plan, or agreement issued or
13 renewed in this State, all accident and health or sickness
14 insurance policies issued or renewed in this State, all policies
15 providing family coverages as defined in section 431:10A-103,
16 and all policies providing reciprocal beneficiary family
17 coverage as defined in section 431:10A-601, shall contain a
18 provision for coverage for medical foods and low-protein
19 modified food products for the treatment of an inborn error of
20 metabolism for its policyholders or dependents of the



1 policyholder in this State; provided that the medical food or
2 low-protein modified food product is:

- 3 (1) Prescribed as medically necessary for the therapeutic
4 treatment of an inborn error of metabolism; and
- 5 (2) Consumed or administered enterally under the
6 supervision of a physician or osteopathic physician
7 licensed under chapter 453 [-] or a naturopathic
8 physician licensed under chapter 455.

9 Coverage shall be for at least eighty per cent of the cost of
10 the medical food or low-protein modified food product prescribed
11 and administered pursuant to this subsection.

12 (b) Every insurer shall provide notice to its
13 policyholders regarding the coverage required by this section.
14 The notice shall be in writing and prominently placed in any
15 literature or correspondence sent to policyholders [~~and shall be~~
16 ~~transmitted to policyholders during calendar year 2000 when~~
17 ~~annual information is made available to policyholders, or in any~~
18 ~~other mailing to policyholders, but in no case later than~~
19 ~~December 31, 2000~~].

20 (c) For the purposes of this section:



1 "Inborn error of metabolism" means a disease caused by an
2 inherited abnormality of the body chemistry of a person that is
3 characterized by deficient metabolism, originating from
4 congenital defects or defects arising shortly after birth, of
5 amino acid, organic acid, carbohydrate, or fat.

6 "Low-protein modified food product" means a food product
7 that:

- 8 (1) Is specially formulated to have less than one gram of
9 protein per serving;
- 10 (2) Is prescribed or ordered by a physician [e~~x~~],
11 osteopathic physician, or naturopathic physician as
12 medically necessary for the dietary treatment of an
13 inborn error of metabolism; and
- 14 (3) Does not include a food that is naturally low in
15 protein.

16 "Medical food" means a food that is formulated to be
17 consumed or administered enterally under the supervision of a
18 physician [e~~x~~], osteopathic physician, or naturopathic physician
19 and is intended for the specific dietary management of a disease
20 or condition for which distinctive nutritional requirements,



1 based on recognized scientific principles, are established by
2 medical evaluation."

3 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,
4 is amended by amending subsection (e) to read as follows:

5 "(e) For the purposes of this section, "child health
6 supervision services" means [~~physician-delivered, physician-~~
7 ~~supervised, physician assistant-delivered, or nurse-delivered~~
8 ~~services as defined by section 457-2 ("registered nurse"),]~~
9 services supervised by a physician or osteopathic physician
10 licensed pursuant to chapter 453 or services delivered by a
11 physician or osteopathic physician licensed pursuant to chapter
12 453, a naturopathic physician licensed pursuant to chapter 455,
13 or a registered nurse licensed pursuant to chapter 457 which
14 shall include as the minimum benefit coverage for services
15 delivered at intervals and scope stated in this section."

16 SECTION 8. Section 432:1-602.5, Hawaii Revised Statutes,
17 is amended by amending subsection (e) to read as follows:

18 "(e) For the purposes of this section, "child health
19 supervision services" means [~~physician-delivered, physician-~~
20 ~~supervised, physician assistant-delivered, or nurse-delivered~~
21 ~~services as defined by section 457-2 ("registered nurse"),]~~



1 services supervised by a physician or osteopathic physician
2 licensed pursuant to chapter 453 or services delivered by a
3 physician or osteopathic physician licensed pursuant to chapter
4 453, a naturopathic physician licensed pursuant to chapter 455,
5 or a registered nurse licensed pursuant to chapter 457 which
6 shall include as the minimum benefit coverage for services
7 delivered at intervals and scope stated in this section."

8 SECTION 9. Section 432:1-609, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§432:1-609 **Medical foods and low-protein modified food**
11 **products; treatment of inborn error of metabolism; notice.** (a)
12 All individual and group hospital and medical service plan
13 contracts and medical service corporation contracts under this
14 chapter shall provide coverage for medical foods and low-protein
15 modified food products for the treatment of an inborn error of
16 metabolism for its members or dependents of the member in this
17 State; provided that the medical food or low-protein modified
18 food product is:

19 (1) Prescribed as medically necessary for the therapeutic
20 treatment of an inborn error of metabolism; and



1 (2) Consumed or administered enterally under the
2 supervision of a physician or osteopathic physician
3 licensed under chapter 453[-] or a naturopathic
4 physician licensed under chapter 455.

5 Coverage shall be for at least eighty per cent of the cost of
6 the medical food or low-protein modified food product prescribed
7 and administered pursuant to this subsection.

8 (b) Every mutual benefit society shall provide notice to
9 its members regarding the coverage required by this section.
10 The notice shall be in writing and prominently placed in any
11 literature or correspondence sent to members [~~and shall be~~
12 ~~transmitted to members during calendar year 2000 when annual~~
13 ~~information is made available to members, or in any other~~
14 ~~mailing to members, but in no case later than December 31,~~
15 ~~2000~~].

16 (c) For the purposes of this section:

17 "Inborn error of metabolism" means a disease caused by an
18 inherited abnormality of the body chemistry of a person that is
19 characterized by deficient metabolism, originating from
20 congenital defects or defects arising shortly after birth, of
21 amino acid, organic acid, carbohydrate, or fat.



1 "Low-protein modified food product" means a food product
2 that:

- 3 (1) Is specially formulated to have less than one gram of
4 protein per serving;
- 5 (2) Is prescribed or ordered by a physician [~~or~~],
6 osteopathic physician, or naturopathic physician as
7 medically necessary for the dietary treatment of an
8 inherited metabolic disease; and
- 9 (3) Does not include a food that is naturally low in
10 protein.

11 "Medical food" means a food that is formulated to be
12 consumed or administered enterally under the supervision of a
13 physician [~~or~~], osteopathic physician, or naturopathic physician
14 and is intended for the specific dietary management of a disease
15 or condition for which distinctive nutritional requirements,
16 based on recognized scientific principles, are established by
17 medical evaluation."

18 SECTION 10. Section 432D-1, Hawaii Revised Statutes, is
19 amended by amending the definition of "provider" to read as
20 follows:



1 "Provider" means any physician, naturopathic physician
2 practicing within the scope of licensure, hospital, or other
3 person licensed or otherwise authorized to furnish health care
4 services."

5 SECTION 11. Section 432D-23, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§432D-23 Required provisions and benefits.

8 Notwithstanding any provision of law to the contrary, each
9 policy, contract, plan, or agreement issued in the State after
10 January 1, 1995, by health maintenance organizations pursuant to
11 this chapter, shall include benefits provided in sections
12 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
13 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
14 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
15 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~,]
16 431:10A-_____, and chapter 431M."

17 SECTION 12. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 13. This Act shall take effect on July 1, 2017.

20

Kal Rhoads
Will Egan

INTRODUCED BY:

Rose E. Bl

[Signature]

Ronald Baker
[Signature]



S.B. NO. 823

Report Title:

Naturopathic Physicians; Health Insurance; Primary Care

Description:

Requires insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to provide coverage for health care services provided by a naturopathic physician.

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

