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# 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  
18 participating naturopathic physicians who practice as primary



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

5 (c) The insurance commissioner shall receive and  
6 investigate complaints regarding potential violations of the  
7 nondiscrimination provisions established in section 2706 of the  
8 Public Health Service Act, title 42 United States Code section  
9 300gg-5.

10 (d) For the purposes of this section, "participating  
11 naturopathic physician" means a naturopathic physician who has  
12 contracted with the insurer to provide health care services to  
13 the insurer's insureds."

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

17 "§432:1- Primary care provider; naturopathic physician.

18 (a) Each individual or group hospital or medical plan contract  
19 delivered or issued for delivery in this State by a mutual  
20 benefit society shall recognize naturopathic physicians licensed  
21 pursuant to chapter 455 as participating providers and shall



1 include coverage for care provided by participating naturopathic  
2 physicians practicing within the scope of their licenses for  
3 purposes of health maintenance, diagnosis, or treatment to the  
4 extent that the plan contract provides benefits for identical  
5 services rendered by another health care provider.

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

16 (c) The insurance commissioner shall receive and  
17 investigate complaints regarding potential violations of the  
18 nondiscrimination provisions established in section 2706 of the  
19 Public Health Service Act, title 42 United States Code section  
20 300gg-5.



1        (d) For the purposes of this section, "participating  
2 naturopathic physician" means a naturopathic physician who has  
3 contracted with the mutual benefit society to provide health  
4 care services to the society's members."

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

8        "§432:2- Primary care provider; naturopathic physician.

9        (a) Each benefit contract delivered or issued for delivery in  
10 this State by a fraternal benefit society shall recognize  
11 naturopathic physicians licensed pursuant to chapter 455 as  
12 participating providers and shall include coverage for care  
13 provided by participating naturopathic physicians practicing  
14 within the scope of their licenses for purposes of health  
15 maintenance, diagnosis, or treatment to the extent that the  
16 benefit contract provides benefits for identical services  
17 rendered by another health care provider.

18        (b) Notwithstanding any other law to the contrary, a  
19 fraternal benefit society may recognize a participating  
20 naturopathic physician as a primary care provider if the  
21 member's benefit contract requires the selection of a primary



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

7 (c) The insurance commissioner shall receive and  
 8 investigate complaints regarding potential violations of the  
 9 nondiscrimination provisions established in section 2706 of the  
 10 Public Health Service Act, title 42 United States Code section  
 11 300gg-5.

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

16 SECTION 4. Section 431:10A-115.5, 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 5. Section 431:10A-116, Hawaii Revised Statutes,  
9 is amended to read as follows:

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

14 (1) Notwithstanding any provision to the contrary,  
15 whenever a policy, contract, plan, or agreement  
16 provides for reimbursement for any visual or  
17 optometric service, which is within the lawful scope  
18 of practice of a duly licensed optometrist, the person  
19 entitled to benefits or the person performing the  
20 services shall be entitled to reimbursement whether  
21 the service is performed by a licensed physician or by



1 a licensed optometrist. Visual or optometric services  
2 shall include eye or visual examination, [~~er both,~~] or  
3 a correction of any visual or muscular anomaly[~~]~~ and  
4 the supplying of ophthalmic materials, lenses, contact  
5 lenses, spectacles, eyeglasses, and appurtenances  
6 thereto;

7 (2) Notwithstanding any provision to the contrary, for all  
8 policies, contracts, plans, or agreements issued on or  
9 after May 30, 1974, whenever provision is made for  
10 reimbursement or indemnity for any service related to  
11 surgical or emergency procedures, which is within the  
12 lawful scope of practice of any practitioner licensed  
13 to practice medicine in this State, reimbursement or  
14 indemnification under the policy, contract, plan, or  
15 agreement shall not be denied when the services are  
16 performed by a dentist acting within the lawful scope  
17 of the dentist's license;

18 (3) Notwithstanding any provision to the contrary,  
19 whenever the policy provides reimbursement or payment  
20 for any service, which is within the lawful scope of  
21 practice of a psychologist licensed in this State, the



1 person entitled to benefits or performing the service  
2 shall be entitled to reimbursement or payment [7]  
3 whether the service is performed by a licensed  
4 physician or licensed psychologist;

5 (4) Notwithstanding any provision to the contrary, each  
6 policy, contract, plan, or agreement issued on or  
7 after February 1, 1991, except for policies that only  
8 provide coverage for specified diseases or other  
9 limited benefit coverage, but including policies  
10 issued by companies subject to chapter 431, article  
11 10A, part II and chapter 432, article 1 shall provide  
12 coverage for screening by low-dose mammography for  
13 occult breast cancer as follows:

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

16 (B) For a woman of any age with a history of breast  
17 cancer or whose mother or sister has had a  
18 history of breast cancer, a mammogram upon the  
19 recommendation of the woman's physician.

20 The services provided in this paragraph are  
21 subject to any coinsurance provisions that may be in



1 force in these policies, contracts, plans, or  
2 agreements.

3 For the purpose of this paragraph, the term "low-  
4 dose mammography" means the x-ray examination of the  
5 breast using equipment dedicated specifically for  
6 mammography, including but not limited to the x-ray  
7 tube, filter, compression device, screens, films, and  
8 cassettes, with an average radiation exposure delivery  
9 of less than one rad mid-breast, with two views for  
10 each breast. An insurer may provide the services  
11 required by this paragraph through contracts with  
12 providers; provided that the contract is determined to  
13 be a cost-effective means of delivering the services  
14 without sacrifice of quality and meets the approval of  
15 the director of health;

16 (5) (A) (i) Notwithstanding any provision to the  
17 contrary, whenever a policy, contract, plan,  
18 or agreement provides coverage for the  
19 children of the insured, that coverage shall  
20 also extend to the date of birth of any  
21 newborn child to be adopted by the insured;



1 provided that the insured gives written  
2 notice to the insurer of the insured's  
3 intent to adopt the child prior to the  
4 child's date of birth [~~or~~], within thirty  
5 days after the child's birth, or within the  
6 time period required for enrollment of a  
7 natural born child under the policy,  
8 contract, plan, or agreement of the insured,  
9 whichever period is longer; provided further  
10 that if the adoption proceedings are not  
11 successful, the insured shall reimburse the  
12 insurer for any expenses paid for the child;  
13 and

14 (ii) Where notification has not been received by  
15 the insurer prior to the child's birth or  
16 within the specified period following the  
17 child's birth, insurance coverage shall be  
18 effective from the first day following the  
19 insurer's receipt of legal notification of  
20 the insured's ability to consent for



1 treatment of the infant for whom coverage is  
2 sought; and

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

6 (i) From the date of birth of the adopted  
7 newborn when the newborn is treated from  
8 birth pursuant to a provider contract with  
9 the health maintenance organization, and  
10 written notice of enrollment in accord with  
11 the health maintenance organization's usual  
12 enrollment process is provided within thirty  
13 days of the date the insured notifies the  
14 health maintenance organization of the  
15 insured's intent to adopt the infant for  
16 whom coverage is sought; or

17 (ii) From the first day following receipt by the  
18 health maintenance organization of written  
19 notice of the insured's ability to consent  
20 for treatment of the infant for whom  
21 coverage is sought and enrollment of the



1           adopted newborn in accord with the health  
2           maintenance organization's usual enrollment  
3           process if the newborn has been treated from  
4           birth by a provider not contracting or  
5           affiliated with the health maintenance  
6           organization; and

7           (6) Notwithstanding any provision to the contrary, any  
8           policy, contract, plan, or agreement issued or renewed  
9           in this State shall provide reimbursement for services  
10          within the respective allowable scope of practice  
11          provided by advanced practice registered nurses  
12          licensed pursuant to chapter 457[-] and naturopathic  
13          physicians licensed pursuant to chapter 455. Services  
14          rendered by advanced practice registered nurses and  
15          naturopathic physicians are subject to the same policy  
16          limitations generally applicable to health care  
17          providers within the policy, contract, plan, or  
18          agreement."

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



1           "§431:10A-120 Medical foods and low-protein modified food  
2 products; treatment of inborn error of metabolism; notice. (a)  
3 Each policy of accident and health or sickness insurance, other  
4 than life insurance, disability income insurance, and long-term  
5 care insurance, issued or renewed in this State, each employer  
6 group health policy, contract, plan, or agreement issued or  
7 renewed in this State, all accident and health or sickness  
8 insurance policies issued or renewed in this State, all policies  
9 providing family coverages as defined in section 431:10A-103,  
10 and all policies providing reciprocal beneficiary family  
11 coverage as defined in section 431:10A-601, shall contain a  
12 provision for coverage for medical foods and low-protein  
13 modified food products for the treatment of an inborn error of  
14 metabolism for its policyholders or dependents of the  
15 policyholder in this State; provided that the medical food or  
16 low-protein modified food product is:

- 17           (1) Prescribed as medically necessary for the therapeutic  
18           treatment of an inborn error of metabolism; and
- 19           (2) Consumed or administered enterally under the  
20           supervision of a physician or osteopathic physician



1 licensed under chapter 453[-] or a naturopathic  
2 physician licensed under chapter 455.

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

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

14 (c) For the purposes of this section:

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

20 "Low-protein modified food product" means a food product  
21 that:



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

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

16 SECTION 7. Section 431:10A-206.5, 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 8. Section 432:1-602.5, Hawaii Revised Statutes,  
 9 is amended by amending subsection (e) to read as follows:

10 "(e) For the purposes of this section, "child health  
 11 supervision services" means [~~physician delivered, physician-~~  
 12 ~~supervised, physician assistant delivered, or nurse delivered~~  
 13 ~~services as defined by section 457-2 ("registered nurse"),~~  
 14 services supervised by a physician or osteopathic physician  
 15 licensed pursuant to chapter 453 or services delivered by a  
 16 physician or osteopathic physician licensed pursuant to chapter  
 17 453, a naturopathic physician licensed pursuant to chapter 455,  
 18 or a registered nurse licensed pursuant to chapter 457 which  
 19 shall include as the minimum benefit coverage for services  
 20 delivered at intervals and scope stated in this section."



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

3 "§432:1-609 Medical foods and low-protein modified food  
4 products; treatment of inborn error of metabolism; notice. (a)

5 All individual and group hospital and medical service plan  
6 contracts and medical service corporation contracts under this  
7 chapter shall provide coverage for medical foods and low-protein  
8 modified food products for the treatment of an inborn error of  
9 metabolism for its members or dependents of the member in this  
10 State; provided that the medical food or low-protein modified  
11 food product is:

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

14 (2) Consumed or administered enterally under the  
15 supervision of a physician or osteopathic physician  
16 licensed under chapter 453 [–] or a naturopathic  
17 physician licensed under chapter 455.

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



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

9 (c) For the purposes of this section:

10 "Inborn error of metabolism" means a disease caused by an  
 11 inherited abnormality of the body chemistry of a person that is  
 12 characterized by deficient metabolism, originating from  
 13 congenital defects or defects arising shortly after birth, of  
 14 amino acid, organic acid, carbohydrate, or fat.

15 "Low-protein modified food product" means a food product  
 16 that:

- 17 (1) Is specially formulated to have less than one gram of
- 18 protein per serving;
- 19 (2) Is prescribed or ordered by a physician [~~or~~],
- 20 osteopathic physician, or naturopathic physician as



1 medically necessary for the dietary treatment of an  
2 inherited metabolic disease; and

3 (3) Does not include a food that is naturally low in  
4 protein.

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

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

15 ""Provider" means any physician, naturopathic physician  
16 practicing within the scope of licensure, hospital, or other  
17 person licensed or otherwise authorized to furnish health care  
18 services."

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



1           **"§432D-23 Required provisions and benefits.**  
2   Notwithstanding any provision of law to the contrary, each  
3   policy, contract, plan, or agreement issued in the State after  
4   January 1, 1995, by health maintenance organizations pursuant to  
5   this chapter, shall include benefits provided in sections  
6   431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
7   116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
8   431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,  
9   431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~]  
10 431:10A- , and chapter 431M."

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

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

14



**Report Title:**

Naturopathic Physicians; Health Insurance; Primary Care; Non-discrimination

**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. Requires the insurance commissioner to receive and investigate complaints regarding discrimination with respect to participation under a health insurance plan against any health care provider. (SD1)

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

