

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO HEALTH CARE PRACTITIONERS.

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

1           SECTION 1. The legislature finds that an estimated one in  
2 five hundred children in the State are born with orofacial  
3 anomalies, such as cleft lip or cleft palate. The legislature  
4 further finds that orthodontic services, such as reconstructive  
5 surgery, can assist individuals with orofacial anomalies by  
6 addressing functional deficiencies in chewing, swallowing,  
7 respiration, and speech, as well as unstable or malpositioned  
8 oral structures, premature tooth loss, and other health  
9 problems. In response to individuals and families who lacked  
10 access to orthodontic treatment of orofacial anomalies, Act 213,  
11 Session Laws of Hawaii 2015 (Act 213), was enacted to require  
12 health insurance coverage of medically necessary orthodontic  
13 services for the treatment of certain orofacial anomalies.  
14 Under the definition of "orthodontic services" in Act 213, the  
15 services are required to be provided by a licensed dentist with  
16 a certification in orthodontics by the American Board of  
17 Orthodontics (ABO).



1           However, the legislature notes that of the approximately  
2 forty orthodontists in the State, only fourteen are certified by  
3 the ABO. Furthermore, of the fourteen orthodontists with an ABO  
4 certification, only a few have performed the medically necessary  
5 orthodontic services for treatment of orofacial anomalies  
6 described in sections 431:10A-132 and 432:1-613, Hawaii Revised  
7 Statutes, and only in limited circumstances. The legislature  
8 also notes that a certification by the ABO is voluntary and not  
9 required to practice orthodontics in the State.

10           The purpose of this Act is to expand the pool of  
11 orthodontists who are eligible to perform orthodontic services  
12 for treatment of orofacial anomalies, covered by health  
13 insurance, to any licensed dentist who has completed an  
14 orthodontic residency program.

15           SECTION 2. Section 431:10A-132, Hawaii Revised Statutes,  
16 is amended by amending subsection (h) to read as follows:

17           "(h) As used in this section, unless the context clearly  
18 requires otherwise:

19           "Orofacial anomalies" means cleft lip or cleft palate and  
20 other birth defects of the mouth and face affecting functions  
21 such as eating, chewing, speech, and respiration.



1 "Orthodontic services" mean direct or consultative services  
2 provided by a licensed dentist [~~with a certification in~~  
3 ~~orthodontics by the American Board of Orthodontics.~~] who has  
4 completed an orthodontic residency program accredited by the  
5 Commission on Dental Accreditation.

6 "Treatment of orofacial anomalies" includes the care  
7 prescribed, provided, or ordered for an individual diagnosed  
8 with an orofacial anomaly by a craniofacial team that includes a  
9 licensed dentist, orthodontist, oral surgeon, and physician, and  
10 is coordinated between specialists and providers."

11 SECTION 3. Section 432:1-613, Hawaii Revised Statutes, is  
12 amended by amending subsection (g) to read as follows:

13 "(g) As used in this section, unless the context clearly  
14 requires otherwise:

15 "Orofacial anomalies" means cleft lip or cleft palate and  
16 other birth defects of the mouth and face affecting functions  
17 such as eating, chewing, speech, and respiration.

18 "Orthodontic services" means direct or consultative  
19 services provided by a licensed dentist [~~with a certification in~~  
20 ~~orthodontics by the American Board of Orthodontics.~~] who has



1 completed an orthodontic residency program accredited by the  
2 Commission on Dental Accreditation.

3 "Treatment of orofacial anomalies" includes the care  
4 prescribed, provided, or ordered for an individual diagnosed  
5 with an orofacial anomaly by a craniofacial team that includes a  
6 licensed dentist, orthodontist, oral surgeon, and physician, and  
7 is coordinated between specialists and providers."

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 528

**Report Title:**

Health Care Practitioners; Orthodontic Services; Orofacial Anomalies; Health Insurance; Covered Services

**Description:**

Expands the pool of orthodontists who are eligible to perform medically necessary orthodontic services for treatment of certain orofacial anomalies covered by health insurance.

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

