H.B. NO. (028

A BILL FOR AN ACT

RELATING TO TITLE 24, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 431:10A-116, Hawaii Revised Statutes, is 2 amended to read as follows:

3 "§431:10A-116 Coverage for specific services. Every 4 person insured under a policy of accident and health or sickness 5 insurance delivered or issued for delivery in this State shall 6 be entitled to the reimbursements and coverages specified below: 7 (1) Notwithstanding any provision to the contrary, 8 whenever a policy, contract, plan, or agreement 9 provides for reimbursement for any visual or 10 optometric service, which is within the lawful scope 11 of practice of a duly licensed optometrist, the person 12 entitled to benefits or the person performing the 13 services shall be entitled to reimbursement whether 14 the service is performed by a licensed physician or by 15 a licensed optometrist. Visual or optometric services 16 shall include eye or visual examination, or both, or a 17 correction of any visual or muscular anomaly, and the 18 supplying of ophthalmic materials, lenses, contact

1 lenses, spectacles, eyeglasses, and appurtenances 2 thereto; 3 (2) Notwithstanding any provision to the contrary, for all 4 policies, contracts, plans, or agreements issued on or 5 after May 30, 1974, whenever provision is made for 6 reimbursement or indemnity for any service related to 7 surgical or emergency procedures, which is within the 8 lawful scope of practice of any practitioner licensed 9 to practice medicine in this State, reimbursement or 10 indemnification under the policy, contract, plan, or 11 agreement shall not be denied when the services are 12 performed by a dentist acting within the lawful scope

13 of the dentist's license;

14 (3) Notwithstanding any provision to the contrary,

15 whenever the policy provides reimbursement or payment 16 for any service, which is within the lawful scope of 17 practice of a psychologist licensed in this State, the 18 person entitled to benefits or performing the service 19 shall be entitled to reimbursement or payment, whether 20 the service is performed by a licensed physician or 21 licensed psychologist;

22

Page 3

1	(4)	Notwithstanding any provision to the contrary, each
2		policy, contract, plan, or agreement issued on or
3		after February 1, 1991, except for policies that only
4		provide coverage for specified diseases or other
5		limited benefit coverage, but including policies
6		issued by companies subject to chapter 431, article
7		10A, part II <u>,</u> and chapter 432, article 1 <u>,</u> shall
8		provide coverage for screening by low-dose mammography
9		for occult breast cancer as follows:
10		(A) For women forty years of age and older, an annual
11		mammogram; and
12		(B) For a woman of any age with a history of breast
13		cancer or whose mother or sister has had a
14		history of breast cancer, a mammogram upon the
15		recommendation of the woman's physician.
16		The services provided in this paragraph are
17		subject to any coinsurance provisions that may be in
18		force in these policies, contracts, plans, or
19		agreements [-]; provided that the insured's dollar
20		limits, deductibles, and copayments for services shall
21		be on terms at least as favorable to the insured as
22		those applicable to other radiological examinations.

Page 4

1 For the purpose of this paragraph, the term "low-2 dose mammography" means the x-ray examination of the 3 breast using equipment dedicated specifically for mammography, including but not limited to the x-ray 4 5 tube, filter, compression device, screens, films, and 6 cassettes, with an average radiation exposure delivery 7 of less than one rad mid-breast, with two views for 8 each breast. An insurer may provide the services 9 required by this paragraph through contracts with 10 providers; provided that the contract is determined to 11 be a cost-effective means of delivering the services 12 without sacrifice of quality and meets the approval of 13 the director of health; and 14 (5) Notwithstanding any provision to the (A) (i) 15 contrary, whenever a policy, contract, plan, 16 or agreement provides coverage for the 17 children of the insured, that coverage shall 18 also extend to the date of birth of any 19 newborn child to be adopted by the insured; 20 provided that the insured gives written 21 notice to the insurer of the insured's 22 intent to adopt the child prior to the

Page 5

<u>H</u>.B. NO. 1020

1			child's date of birth or within thirty days
2			after the child's birth or within the time
3			period required for enrollment of a natural
4			born child under the policy, contract, plan,
5			or agreement of the insured, whichever
6			period is longer; provided further that if
7			the adoption proceedings are not successful,
8			the insured shall reimburse the insurer for
9			any expenses paid for the child; and
10		(ii)	Where notification has not been received by
11			the insurer prior to the child's birth or
12			within the specified period following the
13			child's birth, insurance coverage shall be
14			effective from the first day following the
15			insurer's receipt of legal notification of
16			the insured's ability to consent for
17			treatment of the infant for whom coverage is
18			sought; and
19	(B)	When	the insured is a member of a health
20		main	tenance organization, coverage of an adopted

21 newborn is effective:

Page 6

1 (i) From the date of birth of the adopted 2 newborn when the newborn is treated from 3 birth pursuant to a provider contract with 4 the health maintenance organization, and 5 written notice of enrollment in accord with 6 the health maintenance organization's usual 7 enrollment process is provided within thirty 8 days of the date the insured notifies the 9 health maintenance organization of the 10 insured's intent to adopt the infant for 11 whom coverage is sought; or 12 (ii) From the first day following receipt by the 13 health maintenance organization of written 14 notice of the insured's ability to consent 15 for treatment of the infant for whom 16 coverage is sought and enrollment of the 17 adopted newborn in accord with the health 18 maintenance organization's usual enrollment 19 process if the newborn has been treated from 20 birth by a provider not contracting or 21 affiliated with the health maintenance

22 organization."

Page 7

1	SECTION 2. Section 432:1-605, Hawaii Revised Statutes, is
2	amended by amending subsection (b) to read as follows:
3	"(b) The services provided in subsection (a) are subject
4	to any coinsurance provisions that may be in force in these
5	policies, contracts, plans, or agreements[-]; provided that the
6	member's dollar limits, deductibles, and copayments for services
7	shall be on terms at least as favorable to the member as those
8	applicable to other radiological examinations."
9	SECTION 3. Section 432E-34, Hawaii Revised Statutes, is
10	amended as follows:
11	1. By amending subsection (d) to read as follows:
12	"(d) [Upon receipt of a request for appeal pursuant to
13	subsection (c), the commissioner shall review the request for
14	external review submitted by the enrollee pursuant to subsection
15	(a), determine whether an enrollee is eligible for external
16	review and, if eligible, shall refer the enrollee to external
17	review. The commissioner's determination of eligibility for
18	external review shall be made in accordance with the terms of
19	the enrollee's health benefit plan and all applicable provisions
20	of this part. If an enrollee is not eligible for external
21	review, the commissioner shall notify the enrollee, the

1	enrollee's appointed representative, and the health carrier
2	within three business-days of the reason for incligibility.]
3	(1) The commissioner may determine that a request is
4	eligible for external review under subsection (b)
5	notwithstanding a health carrier's initial
6	determination that the request is ineligible and
7	require that it be referred for external review; and
8	(2) In making a determination under paragraph (1), the
9	commissioner's decision shall be made in accordance
10	with the terms of the enrollee's health benefit plan
11	and shall be subject to all applicable provisions of
12	this chapter."
13	2. By amending subsection (g) to read as follows:
14	"(g) Within five business days after the date of receipt
15	of notice pursuant to subsection (e), the health carrier or its
16	designated utilization review organization shall provide to the
17	assigned independent review organization all documents and
18	information it considered in issuing the adverse action that is
19	the subject of external review $[-]$ and any documents related to
20	the request for external review that have been received by the
21	health carrier or its designated utilization review
22	organization. Failure by the health carrier or its utilization

Page 9

1 review organization to provide the documents and information within five business days shall not delay the conduct of the 2 3 external review; provided that the assigned independent review 4 organization may terminate the external review and reverse the adverse action that is the subject of the external review. 5 The 6 independent review organization shall notify the enrollee, the 7 enrollee's appointed representative, the health carrier, and the 8 commissioner within three business days of the termination of an 9 external review and reversal of an adverse action pursuant to 10 this subsection."

SECTION 4. Section 432E-35, Hawaii Revised Statutes, is amended by amending subsections (b), (c), (d), (e), and (f) to read as follows:

14 Upon receipt of a request for an expedited external "(b) 15 review, the commissioner shall immediately send a copy of the 16 request to the health carrier. Immediately upon receipt of the 17 request, the health carrier shall determine whether the request 18 meets the reviewability requirements set forth in [subsection 19 (a).] section 432E-34(b). The health carrier shall immediately 20 notify the enrollee or the enrollee's appointed representative 21 of its determination of the enrollee's eligibility for expedited 22 external review.

1 Notice of ineligibility for expedited external review shall 2 include a statement informing the enrollee and the enrollee's 3 appointed representative that a health carrier's initial determination that an external review request that is ineligible 4 5 for review may be appealed to the commissioner by submission of a request to the commissioner. 6 7 (C) [Upon receipt of a request for appeal pursuant to 8 subsection (b), the commissioner shall review the request for 9 expedited external review submitted pursuant to subsection (a) 10 and, if eligible, shall refer the enrollee for external review. 11 The commissioner's determination of eligibility for expedited 12 external review shall be made in accordance with the terms of 13 the enrollee's health benefit plan and all applicable provisions 14 of this part. If an enrollee is not cliqible for expedited 15 external review, the commissioner shall immediately notify the 16 enrollee, the enrollee's appointed representative, and the 17 health carrier of the reasons for ineligibility.] 18 (1) The commissioner may determine that a request is 19 eligible for external review under subsection (b) 20 notwithstanding a health carrier's initial 21 determination that the request is ineligible and 22 require that it be referred for external review; and

Page 11

1	(2) In making a determination under paragraph (1), the
2	commissioner's decision shall be made in accordance
3	with the terms of the enrollee's health benefit plan
4	and shall be subject to all applicable provisions of
5	this chapter.
6	(d) If the commissioner determines that an enrollee is
7	eligible for expedited external review [even though the enrollee
8	has not exhausted the health carrier's internal review process,]
9	pursuant to subsection (c) and the request for expedited
10	external review is based on an adverse determination as provided
11	under subsection (a)(1), the health carrier shall not be
12	required to proceed with its internal review process[. The
13	health carrier] but may elect to proceed with its internal
14	review process [even though the request is determined by the
15	commissioner to be eligible for expedited external review];
16	provided that the internal review process shall not delay or
17	terminate an expedited external review unless the health carrier
18	decides to reverse its adverse determination and provide
19	coverage or payment for the health care service that is the
20	subject of the adverse determination. Immediately after making
21	a decision to reverse its adverse determination, the health
22	carrier shall notify the enrollee, the enrollee's authorized

Page 12

1 representative, the independent review organization assigned 2 pursuant to subsection (e), and the commissioner in writing of 3 its decision. The assigned independent review organization 4 shall terminate the expedited external review upon receipt of 5 notice from the health carrier pursuant to this subsection. 6 (e) Upon receipt of the notice pursuant to subsection (b) 7 or a determination of the commissioner pursuant to subsection 8 [(d)] (c) that the enrollee meets the eligibility requirements for expedited external review, the commissioner shall 9 10 immediately randomly assign an independent review organization 11 to conduct the expedited external review from the list of 12 approved independent review organizations qualified to conduct 13 the external review, based on the nature of the health care 14 service that is the subject of the adverse action and other factors determined by the commissioner including conflicts of 15 16 interest pursuant to section 432E-43, compiled and maintained by 17 the commissioner to conduct the external review and immediately 18 notify the health carrier of the name of the assigned 19 independent review organization.

20 (f) Upon receipt of the notice from the commissioner of 21 the name of the independent review organization assigned to 22 conduct the expedited external review, the health carrier or its

Page 13

1	designee utilization review organization shall provide or
2	transmit all documents and information it considered in making
3	the adverse action that is the subject of the expedited external
4	review, and any documents related to the request for expedited
5	external review that have been received by the health carrier or
6	its designated utilization review organization, to the assigned
7	independent review organization electronically or by telephone,
8	facsimile, or any other available expeditious method."
9	SECTION 5. Section 432E-36, is amended as follows:
10	1. By amending subsection (c) to read as follows:
11	"(c) Upon notice of the request for expedited external
12	review, the health carrier shall immediately determine whether
13	the request meets the requirements of subsection $[-(b)-]$ (g).
14	The health carrier shall immediately notify the commissioner,
15	the enrollee, and the enrollee's appointed representative of its
16	eligibility determination.
17	Notice of eligibility for expedited external review
18	pursuant to this subsection shall include a statement informing
19	the enrollee and, if applicable, the enrollee's appointed
20	representative that a health carrier's initial determination
21	that the external review request is ineligible for review may be
22	appealed to the commissioner."

Page 14

1	2. By amending subsection (d) to read as follows:
2	"(d) [Upon receipt of a request for appeal pursuant to
3	subsection (c), the commissioner shall review the request for
4	external review submitted by the enrollee pursuant to subsection
5	(a), determine whether an enrollee is eligible for external
6	review and, if eligible, shall refer the enrollee to external
7	review. The commissioner's determination of eligibility for
8	external review shall be made in accordance with the terms of
9	the enrollee's health benefit plan and all applicable provisions
10	of this part. If an enrollee is not eligible for external
11	review, the commissioner shall notify the enrollee, the
12	enrollee's appointed representative, and the health carrier of
13	the reason for incligibility within three business days.]
14	(1) The commissioner may determine that a request is
15	eligible for external review under subsection (g)
16	notwithstanding a health carrier's initial
17	determination that the request is ineligible and
18	require that it be referred for external review; and
19	(2) In making a determination under paragraph (1), the
20	commissioner's decision shall be made in accordance
21	with the terms of the enrollee's health benefit plan

Page 15

1	and shall be subject to all applicable provisions of
2	this chapter."
3	3. By amending subsection (e) to read as follows:
4	"(e) Upon receipt of the notice pursuant to subsection
5	$\left[\frac{a}{a}\right]$ (c) or a determination of the commissioner pursuant to
6	subsection (d) that the enrollee meets the eligibility
7	requirements for expedited external review, the commissioner
8	shall immediately randomly assign an independent review
9	organization to conduct the expedited external review from the
10	list of approved independent review organizations qualified to
11	conduct the external review, based on the nature of the health
12	care service that is the subject of the adverse action and other
13	factors determined by the commissioner including conflicts of
14	interest pursuant to section 432E-43, compiled and maintained by
15	the commissioner to conduct the external review and immediately
16	notify the health carrier of the name of the assigned
17	independent review organization."
18	4. By amending subsection (f) to read as follows:
19	"(f) Upon receipt of the notice from the commissioner of

19 "(f) Upon receipt of the notice from the commissioner of 20 the name of the independent review organization assigned to 21 conduct the expedited external review, the health carrier or its 22 designee utilization review organization shall provide or

Page 16

1 transmit all documents and information it considered in making 2 the adverse action that is the subject of the expedited external 3 review, and any documents related to the request for expedited external review that have been received by the health carrier or 4 5 its designated utilization review organization, to the assigned 6 independent review organization electronically or by telephone, 7 facsimile, or any other available expeditious method." 8 5. By amending subsection (g) to read as follows: 9 "(g) Except for a request for an expedited external review 10 made pursuant to subsection (b), within three business days after the date of receipt of the request, the commissioner shall 11 12 notify the health carrier that the enrollee has requested an 13 [expedited] external review pursuant to this section. Within 14 five business days following the date of receipt of notice, the health carrier shall determine whether: 15 16 The individual is or was an enrollee in the health (1) 17 benefit plan at the time the health care service or 18 treatment was recommended or requested or, in the case 19 of a retrospective review, was an enrollee in the 20 health benefit plan at the time the health care

21 service or treatment was provided;

Page 17

1	(2)	The	recommended or requested health care service or
2		trea	tment that is the subject of the adverse action:
3		(A)	Would be a covered benefit under the enrollee's
4			health benefit plan but for the health carrier's
5			determination that the service or treatment is
6			experimental or investigational for the
7			enrollee's particular medical condition; and
8		(B)	Is not explicitly listed as an excluded benefit
9			under the enrollee's health benefit plan;
10	(3)	The	enrollee's treating physician or treating advanced
11		prac	tice registered nurse has certified in writing
12		that	:
13		(A)	Standard health care services or treatments have
13 14		(A)	Standard health care services or treatments have not been effective in improving the condition of
		(A)	
14		(A) (B)	not been effective in improving the condition of
14 15			not been effective in improving the condition of the enrollee;
14 15 16			not been effective in improving the condition of the enrollee; Standard health care services or treatments are
14 15 16 17		(B)	not been effective in improving the condition of the enrollee; Standard health care services or treatments are not medically appropriate for the enrollee; or
14 15 16 17 18		(B)	not been effective in improving the condition of the enrollee; Standard health care services or treatments are not medically appropriate for the enrollee; or There is no available standard health care
14 15 16 17 18 19		(B)	not been effective in improving the condition of the enrollee; Standard health care services or treatments are not medically appropriate for the enrollee; or There is no available standard health care service or treatment covered by the health

<u>H</u>.B. NO. <u>1028</u>

1 (4) The enrollee's treating physician or treating advanced 2 practice registered nurse: 3 (A) Has recommended a health care service or treatment that the physician or advanced practice 4 5 registered nurse certifies, in writing, is likely 6 to be more beneficial to the enrollee, in the 7 physician's or advanced practice registered nurse's opinion, than any available standard 8 9 health care services or treatments; or 10 Who is a licensed, board certified or board (B) 11 eligible physician qualified to practice in the 12 area of medicine appropriate to treat the 13 enrollee's condition, or who is an advanced 14 practice registered nurse qualified to treat the 15 enrollee's condition, has certified in writing 16 that scientifically valid studies using accepted 17 protocols demonstrate that the health care 18 service or treatment that is the subject of the 19 adverse action is likely to be more beneficial to 20 the enrollee than any available standard health 21 care services or treatments;

Page 19

1 (5) The enrollee has exhausted the health carrier's 2 internal appeals process or the enrollee is not 3 required to exhaust the health carrier's internal 4 appeals process pursuant to section 432E-33(b); and 5 (6) The enrollee has provided all the information and 6 forms required by the commissioner that are necessary 7 to process an external review, including the release 8 form and disclosure of conflict of interest 9 information as provided under section 432E-33(a)." 6. By amending subsection (i) to read as follows: 10 11 "(i) [Upon receipt of a request for appeal pursuant to 12 subsection (h), the commissioner shall review the request for 13 external review submitted pursuant to subsection (a) and, if 14 eligible, shall refer the enrollee for external review. The 15 commissioner's determination of eligibility for expedited 16 external review shall be made in accordance with the terms of 17 the enrollee's health benefit plan and all applicable provisions 18 of this part. If an enrollee is not eligible for external 19 review, the commissioner shall notify the enrollee, the 20 enrollee's appointed representative, and the health carrier of 21 the reasons for incligibility within three business days.]

Page 20

<u>H</u>.B. NO. 1028

1	(1)	The commissioner may determine that a request is
2		eligible for external review under subsection (g)
3		notwithstanding a health carrier's initial
4		determination that the request is ineligible and
5		require that it be referred for external review; and
6	(2)	In making a determination under paragraph (1), the
7		commissioner's decision shall be made in accordance
8		with the terms of the enrollee's health benefit plan
9		and shall be subject to all applicable provisions of
10		this chapter."
11	7.	By amending subsection (1) to read as follows:
12	"(1)	Within five business days after the date of receipt
13	of notice	pursuant to subsection (j), the health carrier or its
14	designate	d utilization review organization shall provide to the
15	assigned	independent review organization all documents and
16	informati	on it considered in issuing the adverse action that is
17	the subje	ct of external review[-] and any documents related to
18	the reque	st for external review that have been received by the
19	health ca	rrier or its designated utilization review
20	organizat	ion. Failure by the health carrier or its utilization
21	review or	ganization to provide the documents and information
22	within fi	ve business days shall not delay the conduct of the

Page 21

1 external review; provided that the assigned independent review 2 organization may terminate the external review and reverse the 3 adverse action that is the subject of the external review. The 4 independent review organization shall notify the enrollee, the 5 enrollee's appointed representative, the health carrier, and the commissioner within three business days of the termination of an 6 7 external review and reversal of an adverse action pursuant to this subsection." 8

9 8. By amending subsection (o) to read as follows: 10 "(0) Except as provided in subsection (p), within twenty 11 days after being selected to conduct the external review, a 12 clinical reviewer shall provide an opinion to the assigned 13 independent review organization pursuant to subsection (g) 14 regarding whether the recommended or requested health care 15 service or treatment subject to an appeal pursuant to this 16 section shall be covered.

17 The clinical [+]reviewer's[+] opinion shall be in writing 18 and shall include:

19 (1) A description of the enrollee's medical condition;
20 (2) A description of the indicators relevant to
21 determining whether there is sufficient evidence to
22 demonstrate that the recommended or requested health

1		care service or treatment is more likely than not to
2		be more beneficial to the enrollee than any available
3		standard health care services or treatments and
4		whether the adverse risks of the recommended or
5		requested health care service or treatment would not
6		be substantially increased over those of available
7		standard health care services or treatments;
8	(3)	A description and analysis of any medical or
9		scientific evidence, as that term is defined in
10		section 432E-1.4, considered in reaching the opinion;
11	(4)	A description and analysis of any medical necessity
12		criteria defined in section 432E-1; and
13	(5)	Information on whether the reviewer's rationale for
14		the opinion is based on approval of the health care
15		service or treatment by the federal Food and Drug
16		Administration for the condition or medical or
17		scientific evidence or evidence-based standards that
18		demonstrate that the expected benefits of the
19		recommended or requested health care service or
20		treatment is likely to be more beneficial to the
21		enrollee than any available standard health care
22		services or treatments and the adverse risks of the

1 recommended or requested health care service or 2 treatment would not be substantially increased over 3 those of available standard health care services or 4 treatments."

5 9. By amending subsection (r) to read as follows: 6 "(r) Except as provided in subsection (s), within twenty 7 days after the date it receives the opinion of the clinical 8 reviewer pursuant to subsection (o), the assigned independent 9 review organization, in accordance with subsection (t), shall 10 determine whether the health care service at issue in an 11 external review pursuant to this section shall be a covered benefit and shall notify the enrollee, the enrollee's appointed 12 13 representative, the health carrier, and the commissioner of its 14 determination. The independent review organization shall 15 include in the notice of its decision:

16 (1) A general description of the reason for the request17 for external review;

18 (2) The written opinion of each clinical reviewer,

including the recommendation of each clinical reviewer
as to whether the recommended or requested health care
service or treatment should be covered and the
rationale for the reviewer's recommendation;

1	(3) The date the independent review organization was
2	assigned by the commissioner to conduct the external
3	[+]review[+];
4	(4) The date the external review was conducted;
5	(5) The date the decision was issued;
6	(6) The principal reason or reasons for its decision; and
7	(7) The rationale for its decision.
8	Upon receipt of a notice of a decision reversing the
9	adverse action, the health carrier immediately shall approve
10	coverage of the recommended or requested health care service or
11	treatment that was the subject of the adverse action."
12	SECTION 6. Statutory material to be repealed is bracketed
13	and stricken. New statutory material is underscored.
14	SECTION 7. This Act shall take effect on January 1, 2024.
15	
16	INTRODUCED BY:
17	BY REQUEST

JAN 2 3 2023

Report Title:

Insurance; Health Insurance; External Review Procedure; Mammography

Description:

Provides amendments to external review procedures to improve consistency with the National Association of Insurance Commissioners Uniform Health Carrier External Review Model Act. Requires health insurers, mutual benefit societies, and health maintenance organizations to cover mandated services for mammography at least as favorably as coverage for other radiological examinations.

HB NO 1028

JUSTIFICATION SHEET

Commerce and Consumer Affairs DEPARTMENT :

TITLE: A BILL FOR AN ACT RELATING TO TITLE 24, HAWAII REVISED STATUTES.

PURPOSE: To more closely conform the external review provisions in chapter 432E, part IV, Hawaii Revised Statutes (Part IV) with the Uniform Health Carrier External Review Model Act (Model Act); codify a base level of coverage for existing mammography coverage mandate.

MEANS: Amend sections 431:10A-116, 432:1-605(b), 432E-34(d) and (g), 432E-35(b), (c), (d), (e), and (f), and 432E-36(c), (d), (e), (f), (g), (i), (l), (o), and (r), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Part IV of chapter 432E currently mandates that the Insurance Commissioner (Commissioner) review health carrier decisions that external review requests are not eligible for review under Part IV, and provide notice of a decision within a very short time period (immediately or within three days depending on the situation), while the Model Act provides the Commissioner an authority to review the decisions. This deviation from the Model Act interferes with Insurance Division staff's ability to perform other duties and requires the Insurance Commissioner (Commissioner) to render decisions even where the available record is sparse or when underlying issues are inappropriate for the Commissioner to assess, especially within the context of an external review request, such as contract disputes between health carriers and providers. The burden of the existing deviation from the Model Act is additionally problematic because it potentially imposes no time limit for requesting an appeal, which mandates a definitive response from the Commissioner that a request either is or is not eligible for review within a very short time.

HB NO 1020

With respect to mammography, the existing mandates do not describe a baseline for benefits. This would give more clarity on coverage for mammography in the event of changes in federal coverage mandates.

<u>Impact on the public:</u> Individuals may continue to ask the Commissioner to review decisions by health carriers that external review requests are not eligible for external reviews under HRS chapter 432E, part IV (Part IV); however, the Commissioner would not be obligated to render a yes or no decision immediately or within three business days. A base level of coverage for mammography services covered by health plans would be established.

Impact on the department and other agencies: This bill would permit the Commissioner to not render decisions under Part IV in situations where it is inappropriate, such as when the record is sparse or when a Part IV dispute is ancillary to a dispute that the Commissioner should not be adjudicating. It would also relieve Insurance Division staff from neglecting other duties during Part IV requests to review health carrier external review eligibility determinations and provide the Insurance Division with more clarity on coverage for mammography in the event of changes in federal coverage mandates.

GENERAL FUNDS:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	CCA-106.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	January 1, 2024.