



**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
cca.hawaii.gov

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I. HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

December 5, 2023

TRANSMITTED VIA LEGISLATIVE WEBSITE

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Enclosed is a copy of the 2023 Annual External Review Report, as required by section 432E-13, Hawaii Revised Statutes (HRS).

In accordance with section 93-16(a), HRS, a copy of this report will be transmitted to the Legislative Reference Bureau Library and viewable electronically at cca.hawaii.gov/ins/reports/. Copies will also be transmitted to the State Publications Distribution Center and the University of Hawaii pursuant to section 93-3, HRS.

Sincerely,

NADINE Y. ANDO
Director

Enclosure

- c: Legislative Reference Bureau Library (1 hard copy)
State Publications Distribution Center (2 hard copies, 1 electronic copy)
University of Hawaii (1 hard copy)



THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2024

Annual External Review Report

INSURANCE DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

Submitted December 2023

This report is filed pursuant to Hawaii Revised Statutes (HRS) section 432E-13, which requires the Insurance Commissioner to submit to the Legislature an annual report containing the number of external review hearing cases reviewed, the type of cases reviewed, a summary of the nature of the cases reviewed, and the disposition of the cases reviewed. This report provides an overview of external review statistics for fiscal year 2022-2023.

The external review process is an important component of the Patients' Bill of Rights and Responsibilities Act, HRS chapter 432E. The Insurance Division administers the external review process, which gives patients a mechanism to appeal adverse coverage decisions made by their health plans. After exhausting the health plans' internal appeals process, patients may file a petition for external review with the Insurance Commissioner.

On January 1, 2012, the external review provision of HRS chapter 432E was amended to conform to the requirements of the federal Patient Protection and Affordable Care Act of 2010, Public Law No. 111-148, and its implementing regulations. Act 230, Session Laws of Hawaii 2011, created a new external review process to resolve health insurance coverage disputes through independent review organizations. That process is set forth in HRS sections 432E-31 through 432E-44.

Members of health plans issued by health carriers may request an external review of coverage denials involving medical necessity and rescission of coverage upon payment of a \$15 refundable filing fee. This option is not available to Medicare members, Medicaid members, or members of self-funded plans.

The external review is performed by private accredited independent review organizations that contract medical professionals with varying specialized knowledge. These medical professionals review the medical records and health plan contracts and issue medical opinions. There are three types of external reviews: (1) the standard external review of denials based on medical necessity, appropriateness, health care setting, level of care, or effectiveness; (2) an expedited external review of medical emergency cases where the patient cannot wait to receive medical treatment; and (3) an investigational or experimental procedure denial in which the health plan has determined the denied procedure is not standard medical practice.

From July 1, 2022, to June 30, 2023, 62 external review requests were filed. Of the 62 requests, 33 cases involved claims appeal, 19 cases involved denial of coverage and 10 cases involved policy coverage. The health plan's denial was upheld in 25 cases; 12 cases were dismissed on grounds of statutory ineligibility for the external review process; 11 cases were overturned; and 14 cases were withdrawn. The external review process during this period resulted in consumer savings of over \$24,229.