

ACT 168

S.B. NO. 166

A Bill for an Act Relating to Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§431:10A- Chemotherapy services. (a) Notwithstanding section 23-51, all individual and group accident and health or sickness insurance policies that include coverage or benefits for the treatment of cancer shall provide payment or reimbursement for all chemotherapy that is considered medically necessary as defined in section 432E-1.4, including orally administered chemotherapy, at the same copayment percentage or relative coinsurance amount as is applied to intravenously administered chemotherapy; provided that this section shall not apply to an accident only, specified disease, hospital indemnity, long-term care, or other limited benefit health insurance policy.

(b) For the purposes of this section:

“Intravenously administered chemotherapy” means a physician-prescribed cancer treatment that is administered through injection directly into the patient’s circulatory system by a physician, physician assistant, nurse practitioner, nurse, or other medical personnel under the supervision of a physician and in a hospital, medical office, or other clinical setting.

“Oral chemotherapy” means a United States Food and Drug Administration-approved, physician-prescribed cancer treatment that is taken orally in the form of a tablet or capsule and may be administered in a hospital, medical office, or other clinical setting or may be delivered to the patient for self-administration under the direction or supervision of a physician outside of a hospital, medical office, or other clinical setting.”

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

“§432:1- Chemotherapy services. (a) All individual and group hospital and medical service plan contracts that include coverage or benefits for the treatment of cancer shall provide payment or reimbursement for all chemotherapy that is considered medically necessary as defined in section 432E-1.4, including orally administered chemotherapy, at the same copayment percentage or relative coinsurance amount as is applied to intravenously administered chemotherapy; provided that this section shall not apply to an accident only, specified disease, hospital indemnity, long-term care, or other limited benefit health insurance policy.

(b) For the purposes of this section:

“Intravenously administered chemotherapy” means a physician-prescribed cancer treatment that is administered through injection directly into the patient’s circulatory system by a physician, physician assistant, nurse practitioner, nurse, or other medical personnel under the supervision of a physician and in a hospital, medical office, or other clinical setting.

“Oral chemotherapy” means a United States Food and Drug Administration-approved, physician-prescribed cancer treatment that is taken orally in the form of a tablet or capsule and may be administered in a hospital, medical office, or other clinical setting or may be delivered to the patient for self-administration

under the direction or supervision of a physician outside of a hospital, medical office, or other clinical setting.”

SECTION 3. Section 432D-23, Hawaii Revised Statutes, is amended to read as follows:

“**§432D-23 Required provisions and benefits.** Notwithstanding any provision of law to the contrary, each policy, contract, plan, or agreement issued in the State after January 1, 1995, by health maintenance organizations pursuant to this chapter, shall include benefits provided in sections 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, ~~and~~ 431:10A-121, ~~431:10A-~~ and chapter 431M.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 5. This Act shall take effect on January 1, 2010.

(Approved July 2, 2009.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.