



GOV. MSG. NO. 787

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 2, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 2, 2009, the following bill was signed into law:

SB166 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO INSURANCE.
ACT 168 (09)

Sincerely,



LINDA LINGLE

Approved by the Governor
on JUL 2 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 168
S.B. NO. 166
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

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

4 "§431:10A- Chemotherapy services. (a) Notwithstanding
5 section 23-51, all individual and group accident and health or
6 sickness insurance policies that include coverage or benefits
7 for the treatment of cancer shall provide payment or
8 reimbursement for all chemotherapy that is considered medically
9 necessary as defined in section 432E-1.4, including orally
10 administered chemotherapy, at the same copayment percentage or
11 relative coinsurance amount as is applied to intravenously
12 administered chemotherapy; provided that this section shall not
13 apply to an accident only, specified disease, hospital
14 indemnity, long-term care, or other limited benefit health
15 insurance policy.

16 (b) For the purposes of this section:



1 "Intravenously administered chemotherapy" means a
2 physician-prescribed cancer treatment that is administered
3 through injection directly into the patient's circulatory system
4 by a physician, physician assistant, nurse practitioner, nurse,
5 or other medical personnel under the supervision of a physician
6 and in a hospital, medical office, or other clinical setting.

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

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

18 "§432:1- Chemotherapy services. (a) All individual and
19 group hospital and medical service plan contracts that include
20 coverage or benefits for the treatment of cancer shall provide
21 payment or reimbursement for all chemotherapy that is considered
22 medically necessary as defined in section 432E-1.4, including



1 orally administered chemotherapy, at the same copayment
2 percentage or relative coinsurance amount as is applied to
3 intravenously administered chemotherapy; provided that this
4 section shall not apply to an accident only, specified disease,
5 hospital indemnity, long-term care, or other limited benefit
6 health insurance policy.

7 (b) For the purposes of this section:

8 "Intravenously administered chemotherapy" means a
9 physician-prescribed cancer treatment that is administered
10 through injection directly into the patient's circulatory system
11 by a physician, physician assistant, nurse practitioner, nurse,
12 or other medical personnel under the supervision of a physician
13 and in a hospital, medical office, or other clinical setting.

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



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

3 "§432D-23 Required provisions and benefits.

4 Notwithstanding any provision of law to the contrary, each
5 policy, contract, plan, or agreement issued in the State after
6 January 1, 1995, by health maintenance organizations pursuant to
7 this chapter, shall include benefits provided in sections
8 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
9 116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [and] 431:10A-
10 121, 431:10A- , and chapter 431M."

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

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

APPROVED this 2 day of JUL, 2009


GOVERNOR OF THE STATE OF HAWAII