
A BILL FOR AN ACT

RELATING TO NATUROPATHIC PHYSICIANS.

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

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

4 "§431:10A- Coverage for services by a naturopathic
5 physician. (a) Effective July 1, 2011, each policy of accident
6 and health or sickness insurance delivered or issued for
7 delivery in this State that includes a rider to provide coverage
8 for complementary or alternative medicine shall provide coverage
9 under the rider for services for purposes of health maintenance,
10 diagnosis, or treatment provided by a naturopathic physician
11 licensed pursuant to section 455 and practicing within the scope
12 of licensure.

13 (b) The reimbursement rate for services provided pursuant
14 to this section shall be the reimbursement rate for medical and
15 rehabilitation benefits calculated pursuant to part II of
16 chapter 386."



1 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
2 amended by adding a new section to article 1 to be appropriately
3 designated and to read as follows:

4 "§432:1- Coverage for services by a naturopathic
5 physician. (a) Effective July 1, 2011, each policy of accident
6 and health or sickness insurance delivered or issued for
7 delivery in this State by a mutual benefit society that includes
8 a rider to provide coverage for complementary or alternative
9 medicine shall provide coverage under the rider for services for
10 purposes of health maintenance, diagnosis, or treatment provided
11 by a naturopathic physician licensed pursuant to section 455 and
12 practicing within the scope of licensure.

13 (b) The reimbursement rate for services provided pursuant
14 to this section shall be the reimbursement rate for medical and
15 rehabilitation benefits calculated pursuant to part II of
16 chapter 386."

17 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
18 amended by adding a new section to article 2, to be
19 appropriately designated and to read as follows:

20 "§432:2- Coverage for services by a naturopathic
21 physician. (a) Effective July 1, 2011, each policy of accident
22 and health or sickness insurance delivered or issued for

1 delivery in this State by a fraternal benefit society that
2 includes a rider to provide coverage for complementary or
3 alternative medicine shall provide coverage under the rider for
4 services for purposes of health maintenance, diagnosis, or
5 treatment provided by a naturopathic physician licensed pursuant
6 to section 455 and practicing within the scope of licensure.

7 (b) The reimbursement rate for services provided pursuant
8 to this section shall be the reimbursement rate for medical and
9 rehabilitation benefits calculated pursuant to part II of
10 chapter 386."

11 SECTION 4. Section 431:10A-115.5, Hawaii Revised Statutes,
12 is amended by amending subsection (e) to read as follows:

13 "(e) For the purposes of this section, "child health
14 supervision services" means [~~physician-delivered, physician-~~
15 ~~supervised, physician assistant-delivered, or nurse-delivered~~
16 ~~services as defined by section 457-2 ("registered nurse")]~~
17 services supervised by a physician or osteopathic physician
18 licensed pursuant to chapter 453 or services delivered by a
19 physician or osteopathic physician licensed pursuant to chapter
20 453, a naturopathic physician licensed pursuant to chapter 455,
21 or a registered nurse licensed pursuant to chapter 457 which



1 shall include as the minimum benefit coverage for services
2 delivered at intervals and scope stated in this section."

3 SECTION 5. Section 431:10A-116, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "§431:10A-116 Coverage for specific services. Every
6 person insured under a policy of accident and health or sickness
7 insurance delivered or issued for delivery in this State shall
8 be entitled to the reimbursements and coverages specified below:

9 (1) Notwithstanding any provision to the contrary,
10 whenever a policy, contract, plan, or agreement
11 provides for reimbursement for any visual or
12 optometric service[~~7~~] which is within the lawful scope
13 of practice of a duly licensed optometrist, the person
14 entitled to benefits or the person performing the
15 services shall be entitled to reimbursement whether
16 the service is performed by a licensed physician or by
17 a licensed optometrist. Visual or optometric services
18 shall include eye or visual examination [~~7~~ ~~or both~~ ~~7~~]
19 or a correction of any visual or muscular anomaly[~~7~~]
20 and the supplying of ophthalmic materials, lenses,
21 contact lenses, spectacles, eyeglasses, and
22 appurtenances thereto;



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

12 (3) Notwithstanding any provision to the contrary,
13 whenever the policy provides reimbursement or payment
14 for any service[~~]~~ which is within the lawful scope of
15 practice of a psychologist licensed in this State, the
16 person entitled to benefits or performing the service
17 shall be entitled to reimbursement or payment[~~]~~
18 whether the service is performed by a licensed
19 physician or licensed psychologist;

20 (4) Notwithstanding any provision to the contrary, each
21 policy, contract, plan, or agreement issued on or
22 after February 1, 1991, except for policies that only



1 provide coverage for specified diseases or other
2 limited benefit coverage, but including policies
3 issued by companies subject to chapter 431, article
4 10A, part II and chapter 432, article 1 shall provide
5 coverage for screening by low-dose mammography for
6 occult breast cancer as follows:

7 (A) For women forty years of age and older, an annual
8 mammogram; and

9 (B) For a woman of any age with a history of breast
10 cancer or whose mother or sister has had a
11 history of breast cancer, a mammogram upon the
12 recommendation of the woman's physician.

13 The services provided in this paragraph are
14 subject to any coinsurance provisions that may be in
15 force in these policies, contracts, plans, or
16 agreements.

17 For the purpose of this paragraph, the term
18 "low-dose mammography" means the x-ray examination of
19 the breast using equipment dedicated specifically for
20 mammography, including but not limited to the x-ray
21 tube, filter, compression device, screens, films, and
22 cassettes, with an average radiation exposure delivery



1 of less than one rad mid-breast, with two views for
2 each breast. An insurer may provide the services
3 required by this paragraph through contracts with
4 providers; provided that the contract is determined to
5 be a cost-effective means of delivering the services
6 without sacrifice of quality and meets the approval of
7 the director of health;

- 8 (5) (A) (i) Notwithstanding any provision to the
9 contrary, whenever a policy, contract, plan,
10 or agreement provides coverage for the
11 children of the insured, that coverage shall
12 also extend to the date of birth of any
13 newborn child to be adopted by the insured;
14 provided that the insured gives written
15 notice to the insurer of the insured's
16 intent to adopt the child prior to the
17 child's date of birth [øæ], within thirty
18 days after the child's birth, or within the
19 time period required for enrollment of a
20 natural born child under the policy,
21 contract, plan, or agreement of the insured,
22 whichever period is longer; provided further



1 that if the adoption proceedings are not
2 successful, the insured shall reimburse the
3 insurer for any expenses paid for the child;
4 and

5 (ii) Where notification has not been received by
6 the insurer prior to the child's birth or
7 within the specified period following the
8 child's birth, insurance coverage shall be
9 effective from the first day following the
10 insurer's receipt of legal notification of
11 the insured's ability to consent for
12 treatment of the infant for whom coverage is
13 sought; and

14 (B) When the insured is a member of a health
15 maintenance organization [~~HMO~~], coverage of an
16 adopted newborn is effective:

17 (i) From the date of birth of the adopted
18 newborn when the newborn is treated from
19 birth pursuant to a provider contract with
20 the health maintenance organization, and
21 written notice of enrollment in accord with
22 the health maintenance organization's usual



1 enrollment process is provided within thirty
2 days of the date the insured notifies the
3 health maintenance organization of the
4 insured's intent to adopt the infant for
5 whom coverage is sought; or

6 (ii) From the first day following receipt by the
7 health maintenance organization of written
8 notice of the insured's ability to consent
9 for treatment of the infant for whom
10 coverage is sought and enrollment of the
11 adopted newborn in accord with the health
12 maintenance organization's usual enrollment
13 process if the newborn has been treated from
14 birth by a provider not contracting or
15 affiliated with the health maintenance
16 organization; and

17 (6) Notwithstanding any provision to the contrary, any
18 policy, contract, plan, or agreement issued or renewed
19 in this State shall provide reimbursement for services
20 within the respective allowable scope of practice
21 provided by advanced practice registered nurses
22 recognized pursuant to chapter 457[-] and naturopathic



1 physicians licensed pursuant to chapter 455. Services
2 rendered by advanced practice registered nurses and
3 naturopathic physicians are subject to the same policy
4 limitations generally applicable to health care
5 providers within the policy, contract, plan, or
6 agreement."

7 SECTION 6. Section 431:10A-120, Hawaii Revised Statutes,
8 is amended to read as follows:

9 "**§431:10A-120 Medical foods and low-protein modified food**
10 **products; treatment of inborn error of metabolism; notice.** (a)
11 Each policy of accident and health or sickness insurance, other
12 than life insurance, disability income insurance, and long-term
13 care insurance, issued or renewed in this State, each employer
14 group health policy, contract, plan, or agreement issued or
15 renewed in this State, all accident and health or sickness
16 insurance policies issued or renewed in this State, all policies
17 providing family coverages as defined in section 431:10A-103,
18 and all policies providing reciprocal beneficiary family
19 coverage as defined in section 431:10A-601, shall contain a
20 provision for coverage for medical foods and low-protein
21 modified food products for the treatment of an inborn error of
22 metabolism for its policyholders or dependents of the



1 policyholder in this State; provided that the medical food or
2 low-protein modified food product is:

- 3 (1) Prescribed as medically necessary for the therapeutic
4 treatment of an inborn error of metabolism; and
5 (2) Consumed or administered enterally under the
6 supervision of a physician or osteopathic physician
7 licensed under chapter 453 [–] or a naturopathic
8 physician licensed under chapter 455.

9 Coverage shall be for at least eighty per cent of the cost of
10 the medical food or low-protein modified food product prescribed
11 and administered pursuant to this subsection.

12 (b) Every insurer shall provide notice to its
13 policyholders regarding the coverage required by this section.
14 The notice shall be in writing and prominently placed in any
15 literature or correspondence sent to policyholders and shall be
16 transmitted to policyholders during calendar year 2000 when
17 annual information is made available to policyholders, or in any
18 other mailing to policyholders, but in no case later than
19 December 31, 2000.

20 (c) For the purposes of this section:

21 "Inborn error of metabolism" means a disease caused by an
22 inherited abnormality of the body chemistry of a person that is



1 characterized by deficient metabolism, originating from
2 congenital defects or defects arising shortly after birth, of
3 amino acid, organic acid, carbohydrate, or fat.

4 "Low-protein modified food product" means a food product
5 that:

- 6 (1) Is specially formulated to have less than one gram of
7 protein per serving;
- 8 (2) Is prescribed or ordered by a physician or osteopathic
9 physician, or a naturopathic physician as medically
10 necessary for the dietary treatment of an inborn error
11 of metabolism; and
- 12 (3) Does not include a food that is naturally low in
13 protein.

14 "Medical food" means a food that is formulated to be
15 consumed or administered enterally under the supervision of a
16 physician or osteopathic physician, or a naturopathic physician
17 and is intended for the specific dietary management of a disease
18 or condition for which distinctive nutritional requirements,
19 based on recognized scientific principles, are established by
20 medical evaluation."

21 SECTION 7. Section 431:10A-206.5, Hawaii Revised Statutes,
22 is amended by amending subsection (e) to read as follows:



1 "(e) For the purposes of this section, "child health
2 supervision services" means [~~physician-delivered, physician-~~
3 ~~supervised, or nurse-delivered services as defined by section~~
4 ~~457-2 ("registered nurse")]~~ services supervised by a physician
5 or osteopathic physician licensed pursuant to chapter 453 or
6 services delivered by a physician or osteopathic physician
7 licensed pursuant to chapter 453, a naturopathic physician
8 licensed pursuant to chapter 455, or a registered nurse licensed
9 pursuant to chapter 457 which shall include as the minimum
10 benefit coverage for services delivered at intervals and scope
11 stated in this section."

12 SECTION 8. Section 432:1-609, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§432:1-609 Medical foods and low-protein modified food**
15 **products; treatment of inborn error of metabolism; notice.** (a)
16 All individual and group hospital and medical service plan
17 contracts and medical service corporation contracts under this
18 chapter shall provide coverage for medical foods and low-protein
19 modified food products for the treatment of an inborn error of
20 metabolism for its members or dependents of the member in this
21 State; provided that the medical food or low-protein modified
22 food product is:



1 (1) Prescribed as medically necessary for the therapeutic
2 treatment of an inborn error of metabolism; and

3 (2) Consumed or administered enterally under the
4 supervision of a physician or osteopathic physician
5 licensed under chapter 453.[-] or a naturopathic
6 physician licensed under chapter 455.

7 Coverage shall be for at least eighty per cent of the cost of
8 the medical food or low-protein modified food product prescribed
9 and administered pursuant to this subsection.

10 (b) Every mutual benefit society shall provide notice to
11 its members regarding the coverage required by this section.
12 The notice shall be in writing and prominently placed in any
13 literature or correspondence sent to members and shall be
14 transmitted to members during calendar year 2000 when annual
15 information is made available to members, or in any other
16 mailing to members, but in no case later than December 31, 2000.

17 (c) For the purposes of this section:

18 "Inborn error of metabolism" means a disease caused by an
19 inherited abnormality of the body chemistry of a person that is
20 characterized by deficient metabolism, originating from
21 congenital defects or defects arising shortly after birth, of
22 amino acid, organic acid, carbohydrate, or fat.



1 "Low-protein modified food product" means a food product
2 that:

- 3 (1) Is specially formulated to have less than one gram of
4 protein per serving;
- 5 (2) Is prescribed or ordered by a physician or osteopathic
6 physician, or a naturopathic physician as medically
7 necessary for the dietary treatment of an inherited
8 metabolic disease; and
- 9 (3) Does not include a food that is naturally low in
10 protein.

11 "Medical food" means a food that is formulated to be
12 consumed or administered enterally under the supervision of a
13 physician or osteopathic physician, or a naturopathic physician
14 and is intended for the specific dietary management of a disease
15 or condition for which distinctive nutritional requirements,
16 based on recognized scientific principles, are established by
17 medical evaluation."

18 SECTION 9. Section 432D-1, Hawaii Revised Statutes, is
19 amended by amending the definition of "provider" to read as
20 follows:

21 ""Provider" means any physician, hospital, or other person,
22 including a naturopathic physician practicing within the scope



1 of licensure, licensed or otherwise authorized to furnish health
2 care services."

3 SECTION 10. All health insurers subject to article 10A of
4 chapter 431, Hawaii Revised Statutes, all mutual benefit
5 societies and fraternal benefit societies subject to chapter
6 432, Hawaii Revised Statutes, and all health maintenance
7 organizations subject to chapter 432D, Hawaii Revised Statutes,
8 shall work collaboratively with the Board of Naturopathic
9 Medicine to establish standards and criteria for certifying
10 naturopathic physicians licensed pursuant to chapter 455 and
11 practicing within the scope of licensure as participating
12 providers under a contract to provide health care services to
13 insureds or members no later than January 1, 2012, or the first
14 open enrollment period after January 1, 2012. A health insurer,
15 mutual benefit society, fraternal benefit society, or health
16 maintenance organization shall retain the right to determine
17 standards and criteria for certifying participating providers;
18 provided that standards and criteria for certifying
19 participating providers shall not categorically exclude
20 naturopathic physicians practicing within the scope of
21 licensure.



1 SECTION 11. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect upon its approval;
4 provided that sections 4 through 9 of this Act shall take effect
5 on January 1, 2012.

6



Report Title:

Naturopathic Physician; Insurance

Description:

Specifies requirements for coverage of services provided by naturopathic physicians by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations; makes conforming amendments. (SD1)

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

