

JAN 22 2016

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. The legislature finds that insurance companies
2 typically cover a thirty or ninety-day supply of prescription
3 contraceptives. However, these coverage requirements may act as
4 a barrier for women, especially those in rural areas or who
5 frequently travel and who are unable to schedule regular visits
6 to health care providers or readily pick up their prescriptions.

7 The legislature further finds that Oregon recently enacted
8 legislation to expand women's access to prescription
9 contraception. Oregon's new law requires women to first obtain
10 a three-month supply of prescription contraceptives to make sure
11 there are no adverse reactions then allows them to fill
12 subsequent prescriptions for a year at a time. The legislature
13 concludes that Hawaii should adopt similar legislation, which
14 will increase access to prescription contraceptive supplies and
15 decrease barriers regarding reproductive health care.

16 Accordingly, the purpose of this Act is to expand access to
17 prescription contraceptives by requiring insurers to cover a:



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- 1 (1) Three-month period for the first dispensing of
2 prescription contraceptive supplies to an insured; and
3 (2) Twelve-month period for the subsequent dispensing of
4 the same contraceptive supply to the insured.

5 The legislature notes that the reimbursement for
6 prescription contraceptive supplies required under this Act is
7 intended to apply to all insurers in the State, including health
8 benefits plans under chapter 87A, Hawaii Revised Statutes, and
9 medicaid managed care programs.

10 SECTION 2. Section 431:10A-116.6, Hawaii Revised Statutes,
11 is amended to read as follows:

12 "**§431:10A-116.6 Contraceptive services.** (a)
13 Notwithstanding any provision of law to the contrary, each
14 employer group accident and health or sickness policy, contract,
15 plan, or agreement issued or renewed in this State on or after
16 January 1, 2000, shall cease to exclude contraceptive services
17 or supplies for the subscriber or any dependent of the
18 subscriber who is covered by the policy, subject to the
19 exclusion under section 431:10A-116.7.

20 (b) Except as provided in subsection (c), all policies,
21 contracts, plans, or agreements under subsection (a), that



1 provide contraceptive services or supplies, or prescription drug
2 coverage, shall not exclude any prescription contraceptive
3 supplies or impose any unusual copayment, charge, or waiting
4 requirement for such supplies.

5 (c) Coverage for oral contraceptives shall include at
6 least one brand from the monophasic, multiphasic, and the
7 progestin-only categories. A member shall receive coverage for
8 any other oral contraceptive only if:

9 (1) Use of brands covered has resulted in an adverse drug
10 reaction; or

11 (2) The member has not used the brands covered and, based
12 on the member's past medical history, the prescribing
13 health care provider believes that use of the brands
14 covered would result in an adverse reaction.

15 (d) Coverage required by this section shall include
16 reimbursement to a prescribing health care provider or
17 dispensing entity for a dispensing of contraceptive supplies
18 intended to last for a:

19 (1) Three-month period for the first dispensing of the
20 contraceptive supply to a member; and



1 (2) Twelve-month period for subsequent dispensing of the
2 same contraceptive supply to the member, regardless of
3 whether the member was enrolled in the policy,
4 contract, plan, or agreement at the time of the first
5 dispensing.

6 [~~(d)~~] (e) For purposes of this section:

7 "Contraceptive services" means physician-delivered,
8 physician-supervised, physician assistant-delivered, [~~nurse~~
9 ~~practitioner-delivered,~~] advanced practice registered nurse-
10 delivered, certified nurse midwife-delivered, nurse-delivered,
11 or pharmacist-delivered medical services intended to promote the
12 effective use of contraceptive supplies or devices to prevent
13 unwanted pregnancy.

14 "Contraceptive supplies" means all United States Food and
15 Drug Administration-approved contraceptive drugs or devices used
16 to prevent unwanted pregnancy.

17 [~~(e)~~] (f) Nothing in this section shall be construed to
18 extend the practice or privileges of any health care provider
19 beyond that provided in the laws governing the provider's
20 practice and privileges."



1 SECTION 3. Section 432:1-604.5, Hawaii Revised Statutes,
2 is amended to read as follows:

3 "§432:1-604.5 Contraceptive services. (a)

4 Notwithstanding any provision of law to the contrary, each
5 employer group health policy, contract, plan, or agreement
6 issued or renewed in this State on or after January 1, 2000,
7 shall cease to exclude contraceptive services or supplies, and
8 contraceptive prescription drug coverage for the subscriber or
9 any dependent of the subscriber who is covered by the policy,
10 subject to the exclusion under section 431:10A-116.7.

11 (b) Except as provided in subsection (c), all policies,
12 contracts, plans, or agreements under subsection (a), that
13 provide contraceptive services or supplies, or prescription drug
14 coverage, shall not exclude any prescription contraceptive
15 supplies or impose any unusual copayment, charge, or waiting
16 requirement for such drug or device.

17 (c) Coverage for contraceptives shall include at least one
18 brand from the monophasic, multiphasic, and the progestin-only
19 categories. A member shall receive coverage for any other oral
20 contraceptive only if:



1 (1) Use of brands covered has resulted in an adverse drug
2 reaction; or

3 (2) The member has not used the brands covered and, based
4 on the member's past medical history, the prescribing
5 health care provider believes that use of the brands
6 covered would result in an adverse reaction.

7 (d) Coverage required by this section shall include
8 reimbursement to a prescribing health care provider or
9 dispensing entity for a dispensing of contraceptive supplies
10 intended to last for a:

11 (1) Three-month period for the first dispensing of the
12 contraceptive supply to a member; and

13 (2) Twelve-month period for subsequent dispensing of the
14 same contraceptive supply to the member, regardless of
15 whether the member was enrolled in the policy,
16 contract, plan, or agreement at the time of the first
17 dispensing.

18 [~~(d)~~] (e) For purposes of this section:

19 "Contraceptive services" means physician-delivered,
20 physician-supervised, physician assistant-delivered, [~~nurse~~
21 ~~practitioner-delivered,~~] advanced practice registered nurse-



1 delivered, certified nurse midwife-delivered, or nurse-delivered
2 medical services intended to promote the effective use of
3 contraceptive supplies or devices to prevent unwanted pregnancy.

4 "Contraceptive supplies" means all Food and Drug
5 Administration-approved contraceptive drugs or devices used to
6 prevent unwanted pregnancy.

7 [~~e~~] (f) Nothing in this section shall be construed to
8 extend the practice or privileges of any health care provider
9 beyond that provided in the laws governing the provider's
10 practice and privileges."

11 SECTION 4. Notwithstanding any other law to the contrary,
12 the reimbursement for prescription contraceptive supplies
13 required under sections 2 and 3 of this Act shall apply to all
14 health benefits plans under chapter 87A, Hawaii Revised
15 Statutes, issued, renewed, modified, altered, or amended on or
16 after the effective date of this Act.

17 SECTION 5. The reimbursement for prescription
18 contraceptive supplies required under sections 2 and 3 of this
19 Act shall apply to all plans under medicaid managed care
20 programs in the State.



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1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2016;
4 provided that section 5 shall take effect upon approval of the
5 Hawaii medicaid state plan by the Centers for Medicare and
6 Medicaid Services.

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Report Title:

Insurance; Prescription Contraceptives; Contraceptive Services;
Contraceptive Supplies; Reimbursement

Description:

Requires insurers to cover a three-month period for the first dispensing of prescription contraceptive supplies to an insured. Requires insurers to cover a twelve-month period for the subsequent dispensing of the same contraceptive supply to the insured.

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