
A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR PORT-WINE STAINS.

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

1 SECTION 1. The legislature finds that port-wine stain is a
2 discoloration of the human skin caused by a vascular anomaly,
3 namely a capillary malformation in the skin. A port-wine stain
4 is usually a birthmark but in rare cases it can develop in early
5 childhood. Studies have recorded an incidence of three-to-five
6 cases per thousand newborn babies. Port-wine stains ordinarily
7 persist throughout life.

8 Port-wine stains occur most often on the face but can
9 appear anywhere on the body, particularly on the neck and upper
10 trunk. If the port-wine stain is on the face or other highly
11 visible part of the body, its presence can also cause emotional
12 and social problems for the affected person. Early stains are
13 usually flat and pink in appearance and as the child matures,
14 the color may deepen to a dark red or purplish color. In
15 adulthood, thickening of the lesion or the development of small
16 lumps may occur. In the absence of successful treatment,
17 hypertrophy, which is increased tissue mass of the stain, may



1 cause problems later in life such as loss of proximate organ
2 function especially near the eye or mouth, bleeding, and
3 increasing disfigurement. Lesions on or near the eyelid can be
4 associated with glaucoma. When port-wine stain proliferates
5 around the eyelid, it may cause ectropion, the downward pulling
6 of the lower eyelid, which may lead to corneal abrasion and loss
7 of vision.

8 The purpose of this Act is to require insurers, hospital
9 and medical services plans, and health maintenance organizations
10 to provide coverage for medical procedures to eliminate or
11 provide maximum feasible treatment of port-wine stains.

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

15 "§431:10A- Port-wine stain coverage. (a)
16 Notwithstanding any other law to the contrary, each individual or
17 group health or sickness insurance plan, policy, contract, or
18 agreement issued or renewed in the State after December 31, 2018,
19 shall provide coverage for medical procedures, laser surgery,
20 remediation, and any necessary post-acute medical services
21 related to port-wine stain, for policyholders and individuals



1 covered under the individual or group health or sickness
2 insurance plan, policy, contract, or agreement. Coverage
3 required pursuant to this section shall include any medical
4 procedures, laser surgery, remediation, or necessary post-acute
5 medical services required to eliminate or provide maximum
6 feasible treatment for port-wine stain for up to twenty years
7 from the date the port-wine stain was medically detected;
8 provided that no insurer shall be required to pay more than
9 \$ _____ per covered individual for medical procedures, laser
10 surgery, remediation, and any necessary post-acute medical
11 services subject to this section unless the insurance plan,
12 policy, contract, or agreement states otherwise.

13 (b) Coverage required under this section may be subject to
14 deductibles, copayments, coinsurance, or annual or maximum
15 payment limits that are consistent with deductibles, copayments,
16 coinsurance, and annual or maximum payment limits applicable to
17 other similar coverage under the policy, contract, plan, or
18 agreement.

19 (c) Every insurer shall provide notice to its
20 policyholders regarding the coverage required by this section.
21 Notice shall be in writing and in literature or correspondence



1 sent to policyholders beginning with calendar year 2018 along
2 with any other mailing to policyholders, but in no case later
3 than December 31, 2018."

4 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
5 amended by adding a new section to article I, part VI, to be
6 appropriately designated and to read as follows:

7 "§432:1- Port-wine stain coverage. (a) Notwithstanding
8 any other law to the contrary, each individual or group hospital
9 or medical service plan, policy, contract, or agreement issued or
10 renewed in the State after December 31, 2018, shall provide
11 coverage for medical procedures, laser surgery, remediation, and
12 any necessary post-acute medical services related to port-wine
13 stain, for members and individuals covered under a hospital or
14 medical service plan, policy, contract, or agreement. Coverage
15 required pursuant to this section shall include any medical
16 procedures, laser surgery, remediation, or necessary post-acute
17 medical services required to eliminate or provide maximum
18 feasible treatment for port-wine stain for up to twenty years
19 from the date the port-wine stain was medically detected;
20 provided that no mutual benefit society shall be required to pay
21 more than \$ _____ per covered individual for medical



1 procedures, laser surgery, remediation, and any necessary post-
2 acute medical services subject to this section unless the
3 hospital or medical service plan, policy, contract, or agreement
4 states otherwise.

5 (b) Coverage required under this section may be subject to
6 deductibles, copayments, coinsurance, or annual or maximum
7 payment limits that are consistent with deductibles, copayments,
8 coinsurance, and annual or maximum payment limits applicable to
9 other similar coverage under the individual or group hospital or
10 medical service plan, policy, contract, or agreement.

11 (c) Every mutual benefit society shall provide notice to
12 its members regarding the coverage required by this section.
13 Notice shall be in writing and in literature or correspondence
14 sent to members beginning with calendar year 2018 along with any
15 other mailing to members, but in no case later than December 31,
16 2018."

17 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§432D-23 Required provisions and benefits.**

20 Notwithstanding any provision of law to the contrary, each
21 policy, contract, plan, or agreement issued in the State after



1 January 1, 1995, by health maintenance organizations pursuant to
2 this chapter, shall include benefits provided in sections
3 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
4 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
5 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
6 431:10A-133, 431:10A-134, 431:10A-140, [~~and 431:10A-134,~~]
7 431:10A- , and chapter 431M."

8 SECTION 5. The benefit to be provided by health
9 maintenance organizations corresponding to the benefit provided
10 under section 431:10A- , Hawaii Revised Statutes, as contained
11 in the amendment to section 432D-23, Hawaii Revised Statutes, in
12 section 4 of this Act shall take effect for all policies,
13 contracts, plans, or agreements issued in the State of Hawaii
14 after December 31, 2018.

15 SECTION 6. The department of commerce and consumer affairs
16 shall submit a report to the legislature no later than twenty
17 days prior to the convening of the 2020 regular session. The
18 report shall explain the economic impact that the expanded
19 coverage under this Act has had on affected insurers.

20 SECTION 7. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 1705

1 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

John M. McEwen

Cindy Cronin

Paul M. Latta

di. a. 4

Guthrie Thelen

Gary Tison

[Signature]

Ben B...

Richard ...

JAN 12 2018



H.B. NO. 1705

Report Title:

Mandated Coverage; Port-wine Stains

Description:

Requires certain health insurers and plans to provide coverage beginning 1/1/2019 for treatment of port-wine stains.

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