A BILL FOR AN ACT

RELATED TO INSURANCE.

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

SECTION 1. The legislature finds that critically ill patients in Hawaii may require treatment on the continental United States. The cost of transportation by an air ambulance can be a significant financial burden that may not be covered by insurance. Commercial flights are not an option because the patient requires life-supporting equipment and a medical support team.

For some patients requiring transportation to the continental United States, their only options are to mortgage their homes, drain retirement savings, borrow from family or friends, or establish an online campaign to raise funds. During the time that a family is fundraising for a sick loved one, the patient's condition can deteriorate rapidly and reduce the chance of recovery. In addition, if the delay is too great, then the accepting facility may give the patient's bed to another individual and the patient is forced to find another accepting facility.
The legislature finds that medicaid currently covers the cost of transportation for Hawaii's most needy families, but those who are enrolled in private health insurance, often middle-income earners and working full-time, are not covered for the cost of transportation to the continental United States. The legislature also finds that due to Hawaii's unique position in the middle of the Pacific Ocean, residents deserve to receive life-saving medical care that is not available in the State.

The purpose of this Act is to ensure the provision of quality health care by requiring insurance coverage for the costs of medically necessary transportation to the continental United States for qualifying patients.

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

"§431:10A— Qualifying patients; transportation cost coverage. Notwithstanding any law to the contrary, each policy of accident and health or sickness insurance issued or renewed in this State after December 31, 2019, providing coverage for health care, except for policies that only provide coverage for specified diseases or other limited benefit coverage, shall
provide coverage for the costs of medically necessary transportation from the State to the continental United States for qualifying patients for the purpose of obtaining treatment.

For purposes of this section, "qualifying patient" is defined by a medical provider's team as a patient that meets all of the following criteria:

(1) The patient displays a high risk of imminent death despite optimal available treatment in the State;

(2) The patient has a diagnosis of a potentially reversible disease or is a potential candidate for a heart or lung, or both, transplant, destination ventricular assist device, or total artificial heart;

(3) The out-of-state treatment is a medical necessity for the patient, as defined in chapter 432E, and is not available in the State;

(4) The patient has no known absolute contraindications to the out-of-state treatment being sought;

(5) The patient does not have end stage dementia, anoxic brain injury, terminal cancer, or a premorbid condition with a short term expected survival; and
(6) The patient is not being transported for the sole purpose of cancer treatment or bone marrow transplant."

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

"§431:10A- Qualifying insureds; transportation cost coverage. Notwithstanding any law to the contrary, each policy of group and blanket disability insurance issued or renewed in this State after December 31, 2019, providing coverage for health care, except for policies that only provide coverage for specified diseases or other limited benefit coverage, shall provide coverage for the costs of medically necessary transportation from the State to the continental United States for qualifying insureds for the purpose of obtaining treatment. For purposes of this section, "qualifying insured" is defined by a medical provider's team as a patient that meets all of the following criteria:

(1) The patient displays a high risk of imminent death despite optimal available treatment in the State;
(2) The patient has a diagnosis of a potentially reversible disease or is a potential candidate for a heart or lung, or both, transplant, destination ventricular assist device, or total artificial heart;

(3) The out-of-state treatment is a medical necessity for the patient, as defined in chapter 432E, and is not available in the State;

(4) The patient has no known absolute contraindications to the out-of-state treatment being sought;

(5) The patient does not have end stage dementia, anoxic brain injury, terminal cancer, or a premorbid condition with a short term expected survival; and

(6) The patient is not being transported for the sole purpose of cancer treatment or bone marrow transplant."

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

"§432:1- Qualifying patients; transportation cost coverage. Notwithstanding any law to the contrary, each hospital and medical service plan contract issued or renewed in
this State after December 31, 2019, shall provide coverage for the costs of medically necessary transportation from the State to the continental United States for qualifying patients for the purpose of obtaining treatment.

For purposes of this section, "qualifying patient" is defined by a medical provider's team as a patient that meets all of the following criteria:

1. The patient displays a high risk of imminent death despite optimal available treatment in the State;

2. The patient has a diagnosis of a potentially reversible disease or is a potential candidate for a heart or lung, or both, transplant, destination ventricular assist device, or total artificial heart;

3. The out-of-state treatment is a medical necessity for the patient, as defined in chapter 432E, and is not available in the State;

4. The patient has no known absolute contraindications to the out-of-state treatment being sought;

5. The patient does not have end stage dementia, anoxic brain injury, terminal cancer, or a premorbid condition with a short term expected survival; and
(6) The patient is not being transported for the sole purpose of cancer treatment or bone marrow transplant."

SECTION 5. Section 432D-23, Hawaii Revised Statutes, is amended to read as follows:

"§432D-23 Required provisions and benefits.

SECTION 6. Notwithstanding section 432D-23, Hawaii Revised Statutes, the coverage and benefits for the medically necessary transportation costs for qualifying patients provided by health maintenance organizations under section 4 of this part shall apply to all policies, contracts, plans, or agreements issued or
renewed in this State by a health maintenance organization after December 31, 2019.

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

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

INTRODUCED BY: _____________________________

JAN 22 2019
Report Title:
Insurance Coverage; Transportation Costs; Medical Necessity; Qualifying Patients; Mandated Coverage

Description:
Requires insurance coverage after December 31, 2019, for the costs of transportation to the continental United States for medically necessary treatment for qualifying patients.

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