
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 section 2706 of the
2 federal Public Health Service Act (section 2706), as added by
3 section 1201 of the federal Patient Protection and Affordable
4 Care Act of 2010 (Affordable Care Act), prohibits a group health
5 plan and a health insurance insurer offering group or individual
6 health insurance coverage from discriminating with respect to
7 participation under the plan or coverage against any health care
8 provider who is acting within the scope of that provider's
9 license or certification under applicable state law.

10 The legislature further finds that section 2706 has been
11 understood to prohibit plans from covering a given service when
12 offered by one type of licensed provider while denying coverage
13 when the same service is provided by another type of licensed
14 provider. The legislature additionally finds that
15 discrimination against any provider group, as a whole, is
16 harmful to patients and restricts their ability to select the
17 provider of their choice.



1 The legislature also finds that health plans and insurance
2 companies in the State have limited the types of health care
3 providers permitted to provide services to their members by
4 excluding certain non-medical doctor licensed providers. In
5 particular, naturopathic physicians are often excluded from
6 insurance contracts in Hawaii, which forces patients who choose
7 a naturopathic physician as their primary care provider to pay
8 out of pocket for their primary care needs.

9 The legislature concludes that the ability for patients to
10 choose the licensed provider of their choice is integral to the
11 intended full implementation of the Affordable Care Act and is
12 an embodiment of the federal government's goals of better
13 access, increased cost efficiency, and enhanced quality of
14 health care.

15 Accordingly, the purpose of this Act is to provide clarity
16 that naturopathic physicians must be compensated appropriately,
17 similar to other licensed providers and without discrimination,
18 per the requirements of section 2706 of the Affordable Care Act.

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



1 "§431:10A- Naturopathic physicians; non-discrimination;
2 coverage. (a) An individual and group accident and health or
3 sickness policy, contract, plan, or agreement that provides
4 health care coverage shall provide coverage for medically
5 necessary health care services covered by the policy, contract,
6 plan, or agreement when provided by a naturopathic physician
7 licensed under chapter 455 for treatment within the naturopathic
8 physician's scope of practice.

9 (b) Health care services provided by naturopathic
10 physicians may be subject to reasonable deductibles, copayment
11 and coinsurance amounts, fee or benefit limits, practice
12 parameters, cost-effectiveness and clinical efficacy standards,
13 and utilization review consistent with any applicable law or
14 rules.

15 (c) Any amounts, limits, standards, and review shall not
16 function to direct treatment in a manner that unfairly
17 discriminates against the practice of naturopathic medicine.
18 These amounts, limits, standards, and review shall be no more
19 restrictive than those applicable under the same policy,
20 contract, plan, or agreement to care or services provided by
21 other primary care providers; provided that any amounts, limits,



1 standards, and review may allow for the management of the
2 benefit consistent with variations in practice patterns and
3 treatment modalities among different types of health care
4 providers.

5 (d) An individual and group accident and health or
6 sickness policy, contract, plan, or agreement may require that a
7 naturopathic physician's services be provided by a licensed
8 naturopathic physician under contract with an insurer or shall
9 be covered in a manner consistent with out-of-network provider
10 reimbursement practices for primary care providers.

11 (e) This section shall not be construed to impede or
12 prevent the provision or coverage of health care services by
13 licensed naturopathic physicians acting within their authorized
14 scope of practice."

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

18 "§432:1- Naturopathic physicians; non-discrimination;
19 coverage. (a) An individual and group hospital or medical
20 service plan, policy, contract, or agreement that provides
21 coverage shall provide coverage for medically necessary health



1 care services covered by the plan, policy, contract, or
2 agreement when provided by a naturopathic physician licensed
3 under chapter 455 for treatment within the naturopathic
4 physician's scope of practice.

5 (b) Health care services provided by naturopathic
6 physicians may be subject to reasonable deductibles, copayment
7 and coinsurance amounts, fee or benefit limits, practice
8 parameters, cost-effectiveness and clinical efficacy standards,
9 and utilization review consistent with any applicable law or
10 rules.

11 (c) Any amounts, limits, standards, and review shall not
12 function to direct treatment in a manner that unfairly
13 discriminates against the practice of naturopathic medicine.
14 These amounts, limits, standards, and review shall be no more
15 restrictive than those applicable under the same plan, policy,
16 contract, or agreement to care or services provided by other
17 primary care providers; provided that any amounts, limits,
18 standards, and review may allow for the management of the
19 benefit consistent with variations in practice patterns and
20 treatment modalities among different types of health care
21 providers.



1 (d) An individual and group hospital or medical service
2 plan, policy, contract, or agreement may require that a
3 naturopathic physician's services be provided by a licensed
4 naturopathic physician under contract with a mutual benefit
5 society or shall be covered in a manner consistent with out-of-
6 network provider reimbursement practices for primary care
7 providers.

8 (e) This section shall not be construed to impede or
9 prevent the provision or coverage of health care services by
10 licensed naturopathic physicians acting within their authorized
11 scope of practice."

12 SECTION 4. Chapter 432D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§432D- Naturopathic physicians; non-discrimination;**
16 **coverage. (a) A health maintenance organization that provides**
17 **coverage under an individual contract or group contract shall**
18 **provide coverage for medically necessary health care services**
19 **covered by the individual contract or group contract when**
20 **provided by a naturopathic physician licensed under chapter 455**



1 for treatment within the naturopathic physician's scope of
2 practice.

3 (b) Health care services provided by naturopathic
4 physicians may be subject to reasonable deductibles, copayment
5 and coinsurance amounts, fee or benefit limits, practice
6 parameters, cost-effectiveness and clinical efficacy standards,
7 and utilization review consistent with any applicable law or
8 rules.

9 (c) Any amounts, limits, standards, and review shall not
10 function to direct treatment in a manner that unfairly
11 discriminates against the practice of naturopathic medicine.
12 These amounts, limits, standards, and review shall be no more
13 restrictive than those applicable under the same plan, policy,
14 contract, or agreement to care or services provided by other
15 primary care providers; provided that any amounts, limits,
16 standards, and review may allow for the management of the
17 benefit consistent with variations in practice patterns and
18 treatment modalities among different types of health care
19 providers.

20 (d) A health maintenance organization may require that a
21 naturopathic physician's services be provided by a licensed



1 naturopathic physician under contract with a health maintenance
2 organization or shall be covered in a manner consistent with
3 out-of-network provider reimbursement practices for primary care
4 providers.

5 (e) This section shall not be construed to impede or
6 prevent the provision or coverage of health care services by
7 licensed naturopathic physicians acting within their authorized
8 scope of practice."

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2050.

11



Report Title:

Insurance; Health Insurance; Health Care; Discrimination;
Naturopathic Physicians; Insurers; Covered Services

Description:

Requires insurers who provide health care coverage to provide coverage for medically necessary health care services covered by a health insurance policy when provided by licensed naturopathic physicians acting within their scope of practice. Specifies that health care services provided by naturopathic physicians may be subject to certain limitations. Specifies that limitations shall not direct treatment in a manner that unfairly discriminates against the practice of naturopathic medicine. Permits insurers to require naturopathic physician services to be provided by a naturopathic physician under contract or covered as consistent with out-of-network provider reimbursement practices. Effective 07/01/2050. (SD1)

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

