

CONFERENCE COMMITTEE REP. NO. 203-22

Honolulu, Hawaii

, 2022

RE: H.B. No. 2405
H.D. 2
S.D. 2
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii
Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2405, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

(1) Prohibit the denial of a treatment or service on the basis that it is cosmetic or not medically necessary unless a health care provider with experience in prescribing or delivering gender affirming treatment reviews and confirms the adverse benefit determination;

(2) Prohibit health insurers, mutual benefit societies, and health maintenance organizations from applying categorical cosmetic or blanket exclusions to gender affirming treatments or procedures when prescribed as medically necessary; and

(3) Require health insurers, mutual benefit societies, and health maintenance organizations to provide applicants and insured persons with clear information about the coverage of gender transition services, including the process for appealing a claim denied on the basis of medical necessity.

Your Committee on Conference has amended this measure by:

(1) Requiring that the medical necessity of any gender affirming treatment to be defined in accordance with applicable law;

(2) Amending the process for determining an appeal for a claim denied on the basis of medical necessity;

(3) Clarifying that the prohibition against health insurers, mutual benefit societies, and health maintenance organizations applying categorical or blanket exclusions applies to gender affirming treatments that are determined to be medically necessary pursuant to applicable law;

(4) Removing smoking cessation therapies as a gender affirming treatment;

(5) Changing its effective date to upon approval; and

(6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2405, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2405, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

ROSALYN H. BAKER
Chair

RYAN I. YAMANE
Co-Chair

KARL RHOADS
Co-Chair

AARON LING JOHANSON
Co-Chair

BRIAN T. TANIGUCHI
Co-Chair

ADRIAN K. TAM
Co-Chair