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According to the state Department of Health, 31,389 people in Hawai'i have been diagnosed with cancer between 2005 and 2009. Of this population, 4,690 were 49 or younger and would arguably benefit from H.B. No. 2105.

Mandatory Health Insurance Coverage for Fertility Preservation Procedures for People of Reproductive Age Diagnosed With Cancer

Report No. 12-09, October 2012

Assessment of proposed mandatory health insurance for fertility preservation procedures

Lack of data makes social and financial impacts difficult to determine

House Concurrent Resolution No. 9, Senate Draft 1, of the 2012 Legislature, asks the Auditor to assess the social and financial effects of mandating health insurance coverage for fertility preservation procedures for people diagnosed with cancer as proposed in House Bill No. 2105, Regular Session of 2012 (H.B. No. 2105). Since treatment for cancer such as radiation and chemotherapy can increase the risk of infertility in both men and women, H.B. No. 2105 would require Hawai'i health insurance providers to include as a benefit established preservation procedures for potential cancer-related infertility in men and women. The procedures covered would be limited to embryo cryopreservation (the freezing of an embryo) and sperm cryopreservation (the freezing of sperm). However, no state currently requires insurance coverage for infertility treatments for people who may become infertile as a result of cancer treatments. Besides Hawai'i, only New Jersey and California have recently proposed legislation mandating coverage similar to H.B. No. 2105.

Since insurance coverage as proposed in H.B. No. 2105 is not generally available, there is insufficient data to assess the social and financial impacts of mandating insurance coverage. Individuals diagnosed with cancer, who may want to preserve their reproductive ability, must seek the service on their own and bear the full costs, which could be upwards of \$10,000. We identified two such individuals from testimony submitted in support of H.B. No. 2105, but we conclude that the the number of people generally utilizing the procedures is unknown and the level of public demand is low. In addition, insurers generally reported that mandated coverage of embryo and sperm cryopreservation would increase premiums and administrative costs.

Expanding coverage raises significant issues for lawmakers

Cancer-related infertility raises issues of patient and offspring welfare that may not arise in other settings. If H.B. No. 2105 is adopted, the Legislature may need to consider other issues, such as the costs related to the preservation of embryos and sperm. Reproduction preservation during cancer treatment also raises a number of ethical issues related to both patient and offspring welfare. According to the American Society for Reproductive Medicine, these issues may include experimental versus established therapies, the ability of minors to give consent, the rights and benefits of the offspring, and posthumous reproduction. For example, what are the rights of a child conceived posthumously to receive an inheritance or Social Security survivors benefits?

Agencies' responses

The Departments of Health, Commerce and Consumer Affairs, and Labor and Industrial Relations opted not to comment on the draft report provided to them.