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# Auditor's Summary

## Proposed Mandatory Health Insurance Coverage for Fertility Preservation Procedures for Cancer Patients

Report No. 22-16



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**SENATE CONCURRENT RESOLUTION NO. 241, SENATE DRAFT 1**, of the 2022 Legislature, requests the Auditor to assess the social and financial effects of mandating health insurance coverage for “standard fertility preservation services” for insureds who have been diagnosed with cancer that may, or whose treatment may, adversely affect their fertility, as proposed in House Bill No. 2242 (HB 2242) and Senate Bill No. 3308 (SB 3308), both introduced in the Regular Session of 2022.

We conducted this assessment in accordance with Sections 23-51 and 23-52, Hawai‘i Revised Statutes (HRS).

HB 2242 and SB 3308 propose to mandate insurance coverage for fertility preservation services where (1) the “insured is diagnosed with a cancer that may, or whose treatment may, adversely affect the fertility of the insured” and (2) the “standard fertility preservation services are deemed reasonably necessary for the insured.” HB 2242 and SB 3308 require that both conditions be satisfied to activate the coverage.

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HB 2242 or SB 3308. While Hawai‘i law defines “medical necessity,” we did not find a definition of “reasonably necessary” in the chapters of the Hawai‘i Revised Statutes that the bills propose to amend, nor in Chapter 432E, HRS, the Patients’ Bill of Rights and Responsibilities Act.

We spoke to various medical care provider organizations and health insurance providers for their understanding of the term “reasonably necessary.” None of the organizations or insurers were able to define “reasonably necessary.” Some of the insurers said “reasonably necessary” is not a commonly used insurance term.

Without a clear definition of the term “reasonably necessary,” we are unable to determine the extent of the proposed mandated insurance coverage – specifically, when an insured is entitled to coverage for fertility preservation services. Without that understanding, we are unable to assess the social and financial impacts of the proposed mandatory health insurance coverage under Section 23-52, HRS.

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