



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

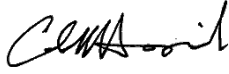
CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

October 6, 2021

MEMORANDUM 2021-13H

To: All Health Insurance Companies, Mutual Benefit Societies, and Health Maintenance Organizations Authorized to Write Health Insurance in Hawai'i

From: Colin M. Hayashida, Insurance Commissioner 

Subject: Gender identity benefit explanations

The Commissioner urges all insurers, mutual benefit societies, and health maintenance organizations doing business in Hawai'i to post on their websites, clear and complete explanations of coverage for gender identity services¹ applicable to their health plans as soon as possible and at the latest, prior to the effective date of plans for plan year 2022.

The Commissioner also reminds all insurers, mutual benefit societies, and health maintenance organizations doing business in Hawai'i that HRS §§ 431:10A-118.3, 432:1-607.3, and 432D-26.3 explicitly prohibit discrimination in health plans, with respect to participation and coverage, based on actual or perceived gender identity.

The Commissioner further reminds all insurers, mutual benefit societies, and health maintenance organizations doing business in Hawai'i that the federal Department of Health and Human Services issued a notice of interpretation, effective May 10, 2021, indicating that the Office of Civil Rights "will interpret and enforce [the Patient Protection and Affordable Care Act] Section 1557's prohibition on discrimination on the basis of sex to include: (1) Discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity." 86 Fed. Reg. 27,984, 27,985 (May 25, 2021).

¹The Commissioner asks that this explanation include, among any other relevant services, an explanation of coverage and benefits for services related to gender transition.

MEMORANDUM 2021-13H

October 6, 2021

Page 2 of 2

Please contact the Insurance Division's Health Insurance Branch at ihealth@dcca.hawaii.gov or 808-586-2804 if you have any questions on this matter.