

JAN 19 2023

A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A, part I, to be
3 appropriately designated and to read as follows:

4 "§431:10A- Annual mental health wellness examination
5 coverage. (a) Each individual and group policy of accident and
6 health or sickness insurance issued or renewed in this State
7 after December 31, 2023, except for policies that only provide
8 coverage for a specified disease or other limited benefit
9 coverage as described in section 431:10A-607, shall provide
10 coverage for an annual mental health wellness examination.

11 (b) The coverage required by this section shall include an
12 annual mental health wellness examination of up to sixty minutes
13 that is performed by a qualified mental health care provider.
14 The coverage for an annual mental health wellness examination
15 shall not be less extensive than the coverage provided for a
16 physical examination and shall comply with all requirements of
17 the federal Mental Health Parity and Addition Equity Act.



1 (c) The mental health wellness examination required by
2 this section shall be exempt from any deductible or copayment
3 provisions that may be in force in any policy or contract. Each
4 accident and health or sickness insurer shall reimburse all
5 costs associated with the coverage required by this section to
6 any qualified mental health care provider complying with this
7 section.

8 (d) For purposes of this section:

9 "Mental health wellness examination" means an examination
10 that seeks to identify any behavioral or mental health needs and
11 appropriate resources for treatment. The examination may
12 include:

- 13 (1) Observation;
- 14 (2) A behavioral health screening;
- 15 (3) Education and consultation on healthy lifestyle
16 changes;
- 17 (4) Referrals for ongoing treatment, mental health
18 services, and other necessary supports;
- 19 (5) Discussion of potential options for medication; and
- 20 (6) Age-appropriate screenings or observations to
21 understand a covered person's mental health history,



1 personal history, and mental or cognitive state and,
2 when appropriate, relevant adult input through
3 screenings, interviews, and questions.

4 "Qualified mental health care provider" means:

- 5 (1) A physician licensed pursuant to chapter 453 who is
6 board certified in psychiatry or other mental health
7 or behavioral health care areas;
- 8 (2) A physician assistant licensed pursuant to chapter 453
9 who has training in psychiatry or mental health;
- 10 (3) A psychologist licensed pursuant to chapter 465;
- 11 (4) A clinical social worker licensed pursuant to chapter
12 467E;
- 13 (5) A marriage and family therapist licensed pursuant to
14 chapter 451J;
- 15 (6) A mental health counselor licensed pursuant to chapter
16 453D;
- 17 (7) A substance abuse counselor certified pursuant to
18 section 321-193(10); or
- 19 (8) An advanced practice registered nurse licensed
20 pursuant to chapter 457 who holds an accredited



1 national certification in an advanced practice
2 registered nurse psychiatric specialization."

3 SECTION 2. Chapter 432, Hawaii Revised Statutes, is
4 amended by adding a new section to article I to be appropriately
5 designated and to read as follows:

6 "§432:1- Annual mental health wellness examination
7 coverage. (a) Each individual or group hospital or medical
8 service plan contract issued or renewed in this State after
9 December 31, 2023, shall provide coverage for an annual mental
10 health wellness examination.

11 (b) The coverage required by this section shall include an
12 annual mental health wellness examination of up to sixty minutes
13 that is performed by a qualified mental health care provider.
14 The coverage for an annual mental health wellness examination
15 shall not be less extensive than the coverage provided for a
16 physical examination and shall comply with all requirements of
17 the federal Mental Health Parity and Addition Equity Act.

18 (c) The mental health wellness examination required by
19 this section shall be exempt from any deductible or copayment
20 provisions that may be in force in any contract. Each mutual
21 benefit society shall reimburse all costs associated with the



1 coverage required by this section to any qualified mental health
2 care provider complying with this section.

3 (d) For purposes of this section:

4 "Mental health wellness examination" means an examination
5 that seeks to identify any behavioral or mental health needs and
6 appropriate resources for treatment. The examination may
7 include:

8 (1) Observation;

9 (2) A behavioral health screening;

10 (3) Education and consultation on healthy lifestyle
11 changes;

12 (4) Referrals for ongoing treatment, mental health
13 services, and other necessary supports;

14 (5) Discussion of potential options for medication; and

15 (6) Age-appropriate screenings or observations to
16 understand a covered person's mental health history,
17 personal history, and mental or cognitive state and,
18 when appropriate, relevant adult input through
19 screenings, interviews, and questions.

20 "Qualified mental health care provider" means:



- 1 (1) A physician licensed pursuant to chapter 453 who is
2 board certified in psychiatry or other mental health
3 or behavioral health care areas;
- 4 (2) A physician assistant licensed pursuant to chapter 453
5 who has training in psychiatry or mental health;
- 6 (3) A psychologist licensed pursuant to chapter 465;
- 7 (4) A clinical social worker licensed pursuant to chapter
8 467E;
- 9 (5) A marriage and family therapist licensed pursuant to
10 chapter 451J;
- 11 (6) A mental health counselor licensed pursuant to chapter
12 453D;
- 13 (7) A substance abuse counselor certified pursuant to
14 section 321-193(10); or
- 15 (8) An advanced practice registered nurse licensed
16 pursuant to chapter 457 who holds an accredited
17 national certification in an advanced practice
18 registered nurse psychiatric specialization."

19 SECTION 3. Section 432D-23, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§432D-23 Required provisions and benefits.

2 Notwithstanding any provision of law to the contrary, each
3 policy, contract, plan, or agreement issued in the State after
4 January 1, 1995, by health maintenance organizations pursuant to
5 this chapter, shall include benefits provided in sections
6 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
7 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
8 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
9 431:10A-133, 431:10A-134, 431:10A-140, [~~and 431:10A-134,~~]
10 431:10A- , and chapter 431M."

11 SECTION 4. The benefit to be provided by health
12 maintenance organizations corresponding to the benefit provided
13 under sections 431:10A- , Hawaii Revised Statutes, as contained
14 in the amendment to section 432D-23, Hawaii Revised Statutes, in
15 section 3 of this Act, shall take effect for all policies,
16 contracts, plans, or agreements issued in the State after
17 December 31, 2023.

18 SECTION 5. The coverage required under sections 1, 2, and
19 3 of this Act shall apply to all plans under medicaid managed
20 care programs in the State.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2023;
4 provided that sections 1, 2, and 3 shall apply to all policies,
5 contracts, plans, or agreements issued or renewed in the State
6 after December 31, 2023; provided further that section 5 shall
7 take effect upon approval of the Hawaii medicaid state plan by
8 the Centers for Medicare and Medicaid Services.

9

INTRODUCED BY: _____

A large, bold, handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the person who introduced the bill.

S.B. NO. 339

Report Title:

Health Insurance; Mandated Coverage; Annual Mental Health
Wellness Examination

Description:

Requires all health insurers in the state, including medicaid
managed care programs, to cover annual mental health wellness
examinations.

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

