
A BILL FOR AN ACT

RELATING TO MARRIAGE AND FAMILY THERAPISTS.

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

1 SECTION 1. Section 431M-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§431M-1 Definitions.** Whenever used in this chapter,
4 unless the context otherwise requires:

5 "Advanced practice registered nurse" means a person
6 recognized as such pursuant to chapter 457.

7 "Alcohol dependence" means any use of alcohol which
8 produces a pattern of pathological use causing impairment in
9 social or occupational functioning or produces physiological
10 dependency evidenced by physical tolerance or withdrawal.

11 "Alcohol or drug dependence outpatient services" means
12 alcohol or drug dependence nonresidential treatment provided on
13 an ambulatory basis to patients with alcohol or drug dependence
14 problems that includes interventions prescribed and performed by
15 qualified physicians, psychologists, licensed clinical social
16 workers, marriage and family therapists, or advanced practice
17 registered nurses. This definition shall not imply a broadening



1 of the scope of or granting of prescriptive authority
2 privileges, except as otherwise allowed pursuant to chapter 457.

3 "Certified substance abuse counselor" means a person who is
4 certified pursuant to section 321-193.

5 "Day treatment services" means treatment services provided
6 by a hospital, mental health outpatient facility, or nonhospital
7 facility to patients who, because of their conditions, require
8 more than periodic hourly service. Day treatment services shall
9 be prescribed by a physician, psychologist, licensed clinical
10 social worker, marriage and family therapist, or advanced
11 practice registered nurse, and carried out under the supervision
12 of a physician, psychologist, licensed clinical social worker,
13 marriage and family therapist, or advanced practice registered
14 nurse. Day treatment services require less than twenty-four
15 hours of care and a minimum of three hours in any one day.

16 "Detoxification services" means the process whereby a
17 person intoxicated by alcohol, drugs, or both, or a person who
18 is dependent upon alcohol, drugs, or both, is assisted through
19 the period of time necessary to eliminate, by metabolic or other
20 means, the intoxicating alcohol or drug dependency factors, as
21 determined by a physician or advanced practice registered nurse,
22 while keeping the physiological risk to the person at a minimum.



1 "Drug dependence" means any pattern of pathological use of
2 drugs causing impairment in social or occupational functioning
3 and producing psychological or physiological dependency or both,
4 evidenced by physical tolerance or withdrawal.

5 "Hospital" means a facility licensed as a hospital by the
6 department of health and accredited by the Joint Commission on
7 Accreditation of Health Care Organizations.

8 "In-hospital services" means the provision of medical,
9 nursing, or therapeutic services twenty-four hours a day in a
10 hospital.

11 "Licensed clinical social worker" means a person who is a
12 licensed clinical social worker pursuant to chapter 467E.

13 "Marriage and family therapist" means a person licensed in
14 marriage and family therapy practice pursuant to chapter 451J.

15 "Mental health outpatient facility" means a mental health
16 establishment, clinic, institution, center, or community mental
17 health center, that provides for the diagnosis, treatment, care,
18 or rehabilitation of mentally ill persons, that has been
19 accredited by the Joint Commission on Accreditation of Health
20 Care Organizations or the Commission on Accreditation of
21 Rehabilitation Facilities or certified by the department of
22 health.



1 "Mental health outpatient services" means mental health
2 nonresidential treatment provided on an ambulatory basis to
3 patients with mental illness that includes interventions
4 prescribed and performed by a physician, psychologist, licensed
5 clinical social worker, marriage and family therapist, or
6 advanced practice registered nurse.

7 "Mental illness" means a syndrome of clinically significant
8 psychological, biological, or behavioral abnormalities that
9 results in personal distress or suffering, impairment of
10 capacity for functioning, or both. For the purposes of this
11 chapter, the terms "mental disorder" and "mental illness" shall
12 be used interchangeably and shall include the definitions
13 identified in the most recent publications of the Diagnostic and
14 Statistical Manual of the American Psychiatric Association or
15 International Classification of Disease. Epilepsy, senility,
16 mental retardation, or other developmental disabilities and
17 addiction to or abuse of intoxicating substances do not in and
18 of themselves constitute a mental disorder.

19 "Nonhospital facility" means a facility for the care or
20 treatment of alcohol dependent, drug dependent, or mentally ill
21 persons, which has been accredited by the Joint Commission on
22 Accreditation of Health Care Organizations or the Commission on



1 Accreditation of Rehabilitation Facilities or certified by the
2 department of health and, if residential, has been licensed as a
3 special treatment facility by the department of health.

4 "Nonhospital residential services" means the provision of
5 medical, psychological, nursing, counseling, or therapeutic
6 services to patients suffering from alcohol dependence, drug
7 dependence, or mental illness by a nonhospital residential
8 facility, according to individualized treatment plans.

9 "Partial hospitalization services" means treatment
10 services, including in-hospital treatment services or benefits,
11 provided by a hospital or mental health outpatient facility to
12 patients who, because of their conditions, require more than
13 periodic hourly service. Partial hospitalization services shall
14 be prescribed by a physician or psychologist, and may be
15 prescribed by a marriage and family therapist or licensed
16 clinical social worker in consultation with a physician or
17 psychologist or an advanced practice registered nurse in
18 consultation with a physician or psychologist. Partial
19 hospitalization services require less than twenty-four hours of
20 care and a minimum of three hours in any one day.



1 "Physician" means a person licensed in the practice of
2 medicine or osteopathy pursuant to chapter 453 or 460,
3 respectively.

4 "Psychologist" means a person licensed in the practice of
5 psychology pursuant to chapter 465.

6 "Qualified" means:

7 (1) Having skill in the diagnosis or treatment of
8 substance use disorders, based on a practitioner's
9 credentials, including but not limited to professional
10 education, clinical training, licensure, board or
11 other certification, clinical experience, letters of
12 reference, other professional qualifications, and
13 disciplinary action; or

14 (2) Being a licensed physician, psychologist, licensed
15 clinical social worker, marriage and family therapist,
16 or advanced practice registered nurse, and certified
17 pursuant to chapter 321.

18 "Serious mental illness" means a mental disorder consisting
19 of at least one of the following: schizophrenia, schizo-
20 affective disorder, bipolar types I and II, obsessive compulsive
21 disorder, dissociative disorder, delusional disorder, and major
22 depression, as defined in the most recent version of the



1 Diagnostic and Statistical Manual of the American Psychiatric
2 Association and which is of sufficient severity to result in
3 substantial interference with the activities of daily living.

4 "Substance abuse services" means the provision of medical,
5 psychological, nursing, counseling, or therapeutic services in
6 response to a treatment plan for alcohol or drug dependence or
7 both which shall include, when appropriate, a combination of
8 aftercare and individual, group, and family counseling services
9 provided by qualified staff.

10 "Treatment episode" means one admission to an accredited
11 hospital or nonhospital facility, or office of a qualified
12 physician, psychologist, licensed clinical social worker,
13 marriage and family therapist, or advanced practice registered
14 nurse for treatment of alcohol or drug dependence, or both, as
15 stipulated in a prescribed treatment plan and that would
16 generally produce remission in those who complete the treatment.
17 The prescribed treatment plan may include the provision of
18 substance abuse services in more than one location and may
19 include in-hospital, nonhospital residential, day treatment, or
20 alcohol or drug dependence outpatient services, or any
21 combination thereof. An admission for only detoxification
22 services shall not constitute a treatment episode."



1 SECTION 2. Section 431M-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Covered benefits for alcohol dependence, drug
4 dependence, or mental illness insurance policies, hospital or
5 medical service plan contracts, and health maintenance
6 organization health plan contracts shall be limited to those
7 services certified by the insurance or health care plan
8 carrier's physician, psychologist, licensed clinical social
9 worker, marriage and family therapist, or advanced practice
10 registered nurse as medically or psychologically necessary at
11 the least restrictive appropriate level of care."

12 SECTION 3. Section 431M-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§431M-4 Mental illness, alcohol and drug dependence**
15 **benefits.** (a) The covered benefit under this chapter shall not
16 be less than thirty days of in-hospital services per year. Each
17 day of in-hospital services may be exchanged for two days of
18 nonhospital residential services, two days of partial
19 hospitalization services, or two days of day treatment services.
20 Visits to a physician, psychologist, licensed clinical social
21 worker, marriage and family therapist, or advanced practice
22 registered nurse shall not be less than thirty visits per year



1 to hospital or nonhospital facilities or to mental health
2 outpatient facilities for day treatment or partial
3 hospitalization services. Each day of in-hospital services may
4 also be exchanged for two outpatient visits under this chapter;
5 provided that the patient's condition is such that the
6 outpatient services would reasonably preclude hospitalization.
7 The total covered benefit for outpatient services in subsections
8 (b) and (c) shall not be less than twenty-four visits per year;
9 provided that coverage of twelve of the twenty-four outpatient
10 visits shall apply only to the services under subsection (c).
11 The other covered benefits under this chapter shall apply to any
12 of the services in subsection (b) or (c). In the case of
13 alcohol and drug dependence benefits, the insurance policy may
14 limit the number of treatment episodes but may not limit the
15 number to less than two treatment episodes per lifetime.
16 Nothing in this section shall be construed to limit serious
17 mental illness benefits.

18 (b) Alcohol and drug dependence benefits shall be as
19 follows:

20 (1) Detoxification services as a covered benefit under
21 this chapter shall be provided either in a hospital or
22 in a nonhospital facility that has a written



1 affiliation agreement with a hospital for emergency,
2 medical, and mental health support services. The
3 following services shall be covered under
4 detoxification services:

- 5 (A) Room and board;
6 (B) Diagnostic x-rays;
7 (C) Laboratory testing; and
8 (D) Drugs, equipment use, special therapies, and
9 supplies.

10 Detoxification services shall be included as part of
11 the covered in-hospital services, but shall not be
12 included in the treatment episode limitation, as
13 specified in subsection (a);

- 14 (2) Alcohol or drug dependence treatment through
15 in-hospital, nonhospital residential, or day treatment
16 substance abuse services as a covered benefit under
17 this chapter shall be provided in a hospital or
18 nonhospital facility. Before a person qualifies to
19 receive benefits under this subsection, a qualified
20 physician, psychologist, licensed clinical social
21 worker, marriage and family therapist, or advanced
22 practice registered nurse shall determine that the



1 person suffers from alcohol or drug dependence, or
2 both; provided that the substance abuse services
3 covered under this paragraph shall include those
4 services that are required for licensure and
5 accreditation and shall be included as part of the
6 covered in-hospital services as specified in
7 subsection (a). Excluded from alcohol or drug
8 dependence treatment under this subsection are
9 detoxification services and educational programs to
10 which drinking or drugged drivers are referred by the
11 judicial system and services performed by mutual self-
12 help groups;

- 13 (3) Alcohol or drug dependence outpatient services as a
14 covered benefit under this chapter shall be provided
15 under an individualized treatment plan approved by a
16 qualified physician, psychologist, licensed clinical
17 social worker, marriage and family therapist, or
18 advanced practice registered nurse and shall be
19 services reasonably expected to produce remission of
20 the patient's condition. An individualized treatment
21 plan approved by a marriage and family therapist,
22 licensed clinical social worker, or an advanced



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1 practice registered nurse for a patient already under
 2 the care or treatment of a physician or psychologist
 3 shall be done in consultation with the physician or
 4 psychologist. Services covered under this paragraph
 5 shall be included as part of the covered outpatient
 6 services as specified in subsection (a); and

7 (4) Substance abuse assessments for alcohol or drug
 8 dependence as a covered benefit under this section for
 9 a child facing disciplinary action under section
 10 302A-1134.6 shall be provided by a qualified
 11 physician, psychologist, licensed clinical social
 12 worker, marriage and family therapist, advanced
 13 practice registered nurse, or certified substance
 14 abuse counselor. The certified substance abuse
 15 counselor shall be employed by a hospital or
 16 nonhospital facility providing substance abuse
 17 services. The substance abuse assessment shall
 18 evaluate the suitability for substance abuse treatment
 19 and placement in an appropriate treatment setting.

20 (c) Mental illness benefits.

21 (1) Covered benefits for mental health services set forth
 22 in this subsection shall be limited to coverage for



1 diagnosis and treatment of mental disorders. All
2 mental health services shall be provided under an
3 individualized treatment plan approved by a physician,
4 psychologist, licensed clinical social worker,
5 marriage and family therapist, or advanced practice
6 registered nurse and must be reasonably expected to
7 improve the patient's condition. An individualized
8 treatment plan approved by a marriage and family
9 therapist, licensed clinical social worker or an
10 advanced practice registered nurse for a patient
11 already under the care or treatment of a physician or
12 psychologist shall be done in consultation with the
13 physician or psychologist;

- 14 (2) In-hospital and nonhospital residential mental health
15 services as a covered benefit under this chapter shall
16 be provided in a hospital or a nonhospital residential
17 facility. The services to be covered shall include
18 those services required for licensure and
19 accreditation, and shall be included as part of the
20 covered in-hospital services as specified in
21 subsection (a);



1 (3) Mental health partial hospitalization as a covered
2 benefit under this chapter shall be provided by a
3 hospital or a mental health outpatient facility. The
4 services to be covered under this paragraph shall
5 include those services required for licensure and
6 accreditation and shall be included as part of the
7 covered in-hospital services as specified in
8 subsection (a); and

9 (4) Mental health outpatient services shall be a covered
10 benefit under this chapter and shall be included as
11 part of the covered outpatient services as specified
12 in subsection (a)."

13 SECTION 4. The department of commerce and consumer affairs
14 shall submit to the legislature, no later than twenty days prior
15 to the convening of the regular sessions of 2010, 2013, and
16 2016, reports on the economic impacts of providing coverage for
17 marriage and family therapists as provided for under this Act.

18 SECTION 5. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.



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H.B. NO. 1047
H.D. 1

Report Title:

Marriage and Family Therapists; Reimbursable Services

Description:

Includes marriage and family therapy among the mental illness, alcohol and drug dependence benefits required within the hospital and medical coverage offered under accident and sickness insurance policies and similar insurance products.

(HB1047 HD1)

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