
A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR BRAIN INJURIES.

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

1 SECTION 1. The legislature finds that traumatic brain
2 injury is an insult to the brain, not of a degenerative or
3 congenital nature, caused by an external force that may produce
4 a diminished or altered state of consciousness and which results
5 in an impairment of cognitive abilities or physical functioning.
6 While traumatic brain injury is a leading cause of death and
7 disability among children and young adults, survivors of
8 traumatic brain injury can lead full lives, thanks to lifesaving
9 medical techniques and rehabilitation services. However,
10 survivors face a long rehabilitation process that may not be
11 covered by certain health benefit plans.

12 The purpose of this Act is to require insurers, hospital
13 and medical services plans, and health maintenance organizations
14 to provide coverage for survivors of brain injuries, including,
15 among other things, cognitive and neurocognitive therapy,
16 neurobehavioral and neuropsychological testing or treatment, and
17 necessary post-acute transition services or community
18 reintegration activities.



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

4 "§431:10A- Cognitive rehabilitation therapy; notice.

5 (a) Any other law to the contrary notwithstanding, each
6 employer group health policy, contract, plan, or agreement
7 issued or renewed in this state after December 31, 2007, shall
8 provide, not as an employer option, cognitive rehabilitation
9 therapy, cognitive communication therapy, neurocognitive therapy
10 and rehabilitation, neurobehavioral, neurophysiological,
11 neuropsychological, and psychophysiological testing or
12 treatment, neurofeedback therapy, remediation, and necessary
13 post-acute transition services or community reintegration
14 services as a result of and related to an acquired brain injury
15 for the policyholder and individuals covered under the policy,
16 contract, plan, or agreement.

17 (b) Coverage required under this section may be subject to
18 deductibles, copayments, coinsurance, or annual or maximum
19 payment limits that are consistent with deductibles, copayments,
20 coinsurance, and annual or maximum payment limits applicable to
21 other similar coverage under the policy, contract, plan, or
22 agreement.



1 (c) Every insurer shall provide notice to its
 2 policyholders regarding the coverage required by this section.
 3 The notice shall be in writing and prominently positioned in any
 4 literature or correspondence sent to policyholders and shall be
 5 transmitted to policyholders within calendar year 2007 when
 6 annual information is made available to policyholders, or in any
 7 other mailing to policyholders, but in no case later than
 8 December 31, 2007."

9 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
 10 amended by adding a new section to be appropriately designated
 11 and to read as follows:

12 "§432-_____ Cognitive rehabilitation therapy; notice. (a)
 13 Any other law to the contrary notwithstanding, each individual
 14 and group hospital or medical service plan, policy, contract, or
 15 agreement issued or renewed in this state after December 31,
 16 2007, shall provide, not as an employer option, cognitive
 17 rehabilitation therapy, cognitive communication therapy,
 18 neurocognitive therapy and rehabilitation, neurobehavioral,
 19 neurophysiological, neuropsychological, and psychophysiological
 20 testing or treatment, neurofeedback therapy, remediation, and
 21 necessary post-acute transition services or community
 22 reintegration services as a result of and related to an acquired



1 brain injury for the member and individuals covered under the
2 individual and group hospital or medical service plan, policy,
3 contract, or agreement.

4 (b) Coverage required under this section may be subject to
5 deductibles, copayments, coinsurance, or annual or maximum
6 payment limits that are consistent with deductibles, copayments,
7 coinsurance, and annual or maximum payment limits applicable to
8 other similar coverage under the individual and group hospital
9 or medical service plan, policy, contract, or agreement.

10 (c) Every mutual benefit society shall provide notice to
11 its members regarding the coverage required by this section.
12 The notice shall be in writing and prominently positioned in any
13 literature or correspondence sent to members and shall be
14 transmitted to members within calendar year 2007 when annual
15 information is made available to policyholders, or in any other
16 mailing to members, but in no case later than December 31,
17 2007."

18 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§432D-23 Required provisions and benefits.**

21 Notwithstanding any provision of law to the contrary, each
22 policy, contract, plan, or agreement issued in the [~~State~~] state



1 after January 1, 1995, by health maintenance organizations
2 pursuant to this chapter, shall include benefits provided in
3 sections 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
4 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [and]
5 431:10A-121, 431:10A-_____, and chapter 431M."

6 SECTION 5. The benefit to be provided by health
7 maintenance organizations corresponding to the benefit provided
8 under section 431:10A-_____, Hawaii Revised Statutes, as contained
9 in the amendment to section 432D-23, Hawaii Revised Statutes, in
10 section 4 of this Act, shall take effect for all policies,
11 contracts, plans, or agreements issued in the state after
12 December 31, 2007.

13 SECTION 6. The Department of Commerce and Consumer Affairs
14 shall submit a report to the legislature no later than twenty
15 days prior to the convening of the regular session of 2008, on
16 the economic impact the expanded coverage in this Act has had on
17 insurers affected by this Act.

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect upon its approval
21 and shall be repealed on July 1, 2012.



Report Title:

Mandated Coverage; Cognitive Rehab; Brain Injury

Description:

Requires insurers, hospital and medical services plans, and health maintenance organizations to provide coverage for survivors of brain injuries including, among other things, cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities.
(HB1699 HD1)

