HOUSE OF REPRESENTATIVES TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

# H.B. NO. 600

1

#### A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR BRAIN INJURIES.

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

SECTION 1. The legislature finds that traumatic brain
injury is damage to the brain caused by an external force.
Traumatic brain injury may produce a diminished or altered state
of consciousness and may result in an impairment of cognitive
abilities or physical functioning.

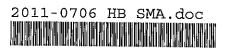
6 The legislature also finds that traumatic brain injury is a 7 leading cause of death and disability among children and young 8 adults. However, survivors of traumatic brain injury can lead 9 full lives, thanks to lifesaving medical techniques and 10 rehabilitation services. However, survivors face a long 11 rehabilitation process that may not be covered by certain health 12 benefit plans.

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

#### 2011-0706 HB SMA.doc

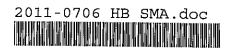
2

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) Notwithstanding any other law to the contrary, each			
6	individual and group hospital or medical service plan, policy,			
7	contract, or agreement issued or renewed in this State after			
8	December 31, 2011, shall provide the following therapy and			
9	services, as a result of and related to an acquired brain			
10	injury, for the member and individuals covered under the			
11	individual and group hospital or medical service plan, policy,			
12	contract, or agreement:			
13	(1) Cognitive rehabilitation therapy;			
14	(2) Cognitive communication therapy;			
15	(3) Neurocognitive therapy and rehabilitation;			
16	(4) Neurobehavioral, neurophysiological,			
17	neuropsychological, and psychophysiological testing or			
18	<pre>treatment;</pre>			
19	(5) Neurofeedback therapy;			
20	(6) Remediation; and			
21	(7) Any necessary post-acute transition services or			
22	community reintegration services.			



э

1	(b) Coverage required under this section may be subject to			
2	deductibles, copayments, coinsurance, or annual or maximum			
3	payment limits that are consistent with deductibles, copayments,			
4	coinsurance, and annual or maximum payment limits applicable to			
5	other similar coverage under the policy, contract, plan, or			
6	agreement.			
7	(c) Every insurer shall provide notice to its			
8	policyholders regarding the coverage required by this section.			
9	Notice shall be in writing and in literature or correspondence			
10	sent to policyholders beginning with calendar year 2011 along			
11	with any other mailing to policyholders, but in no case later			
12	than December 31, 2011."			
13	SECTION 3. Chapter 432, Hawaii Revised Statutes, is			
14	amended by adding a new section to be appropriately designated			
15	and to read as follows:			
16	"§432- Cognitive rehabilitation therapy; notice. (a)			
17	Notwithstanding any other law to the contrary, each individual			
18	and group hospital or medical service plan, policy, contract, or			
19	agreement issued or renewed in this State after December 31,			
20	2011, shall provide the following therapy and services, as a			
21	result of and related to an acquired brain injury, for the			



H.B. NO. 600

1	member a	nd individuals covered under the individual and group		
2	hospital	or medical service plan, policy, contract or agreement:		
3	<u>(1)</u>	Cognitive rehabilitation therapy;		
4	(2)	Cognitive communication therapy;		
5	(3)	Neurocognitive therapy and rehabilitation;		
6	(4)	Neurobehavioral, neurophysiological,		
7		neuropsychological, and psychophysiological testing or		
8		<pre>treatment;</pre>		
9	(5)	Neurofeedback therapy;		
10	(6)	Remediation; and		
11	(7)	Any necessary post-acute transition services or		
12		community reintegration services.		
13	(b)	Coverage required under this section may be subject to		
14	deductibles, copayments, coinsurance, or annual or maximum			
15	payment limits that are consistent with deductibles, copayments,			
16	coinsurance, and annual or maximum payment limits applicable to			
17	other similar coverage under the individual and group hospital			
18	or medical service plan, policy, contract, or agreement.			
19	<u>(c)</u>	Every mutual benefit society shall provide notice to		
20	its members regarding the coverage required by this section.			
21	Notice shall be in writing and in literature or correspondence			
22	sent to m	embers beginning with calendar year 2011 along with any		
		HB SMA.doc		

5

1 other mailing to members, but in no case later than December 31, 2 2011." SECTION 4. Section 432D-23, Hawaii Revised Statutes, is 3 4 amended to read as follows: 5 "§432D-23 Required provisions and benefits. Notwithstanding any provision of law to the contrary, each 6 policy, contract, plan, or agreement issued in the State after 7 January 1, 1995, by health maintenance organizations pursuant to 8 this chapter, shall include benefits provided in sections 9 10 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, 431:10A-121, 11 431:10A-122, 431:10A-125, 431:10A-126, and [431:10A-122,] 12 13 431:10A- , and chapter 431M." 14 SECTION 5. The benefit to be provided by health maintenance organizations corresponding to the benefit provided 15 under section 431:10A- , Hawaii Revised Statutes, as contained 16 in the amendment to section 432D-23, Hawaii Revised Statutes, in 17 section 4 of this Act shall take effect for all policies, 18 contracts, plans, or agreements issued in the State of Hawaii 19 20 after December 31, 2011.

21 SECTION 6. The department of commerce and consumer affairs 22 shall submit a report to the legislature no later than twenty 2011-0706 HB SMA.doc

days prior to the convening of the 2013 regular session. The
report shall explain the economic impact that the expanded
coverage under this Act has had on affected insurers.
SECTION 7. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 8. This Act shall take effect upon its approval.

JAN 2 1 2011

2011-0706 HB SMA.doc 

**Report Title:** Mandated Coverage; Cognitive Rehabilitation; Brain Injury

#### Description:

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

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