

JAN 23 2015

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 damage to the brain caused by an external force.
3 Traumatic brain injury may produce a diminished or altered state
4 of consciousness and may result in an impairment of cognitive
5 abilities or physical functioning.

6 The legislature further finds that traumatic brain injury
7 is a leading cause of death and disability among children and
8 young adults. While survivors of traumatic brain injury can
9 lead full lives, thanks to lifesaving medical techniques and
10 rehabilitation services, they face a long rehabilitation process
11 that may not be 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 cognitive and neurocognitive therapy, neurobehavioral and
16 neuropsychological testing or treatment, and necessary post-
17 acute transition services or community reintegration activities.



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

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

(a) Notwithstanding any other law to the contrary, each individual and group accident and health or sickness insurance plan, policy, contract, or agreement issued or renewed in the State after December 31, 2015, shall provide the following therapy and services, as a result of and related to an acquired brain injury, for the member and individuals covered under the individual and group accident and health or sickness insurance plan, policy, contract, or agreement:

(1) Cognitive rehabilitation therapy;

(2) Cognitive communication therapy;

(3) Neurocognitive therapy and rehabilitation;

(4) Neurobehavioral, neurophysiological, neuropsychological, and psychophysiological testing or treatment;

(5) Neurofeedback therapy;

(6) Remediation; and



1 (7) Any necessary post-acute transition services or
2 community reintegration services;
3 provided that the therapies and services required under this
4 section shall be covered for up to twenty years from the date
5 the acquired brain injury occurred; provided further that no
6 insurance provider shall be required to pay more than \$300,000
7 for therapies and services provided under this section per
8 insured unless the insurance plan, policy, contract, or
9 agreement states otherwise.

10 (b) Coverage required under this section may be subject to
11 deductibles, copayments, coinsurance, or annual or maximum
12 payment limits that are consistent with deductibles, copayments,
13 coinsurance, and annual or maximum payment limits applicable to
14 other similar coverage under the policy, contract, plan, or
15 agreement.

16 (c) Every insurer shall provide notice to its
17 policyholders regarding the coverage required by this section.
18 Notice shall be in writing and in literature or correspondence
19 sent to policyholders beginning with calendar year 2015 along
20 with any other mailing to policyholders, but in no case later
21 than December 31, 2015."



SECTION 3. Chapter 432, Hawaii Revised Statutes, is amended by adding a new section to article 1 to be appropriately designated and to read as follows:

"§432:1- Cognitive rehabilitation therapy; notice. (a)
Notwithstanding any other law to the contrary, each individual and group hospital or medical service plan, policy, contract, or agreement issued or renewed in the State after December 31, 2015, shall provide the following therapy and services, as a result of and related to an acquired brain injury, for the member and individuals covered under the individual and group hospital or medical service plan, policy, contract or agreement:

- (1) Cognitive rehabilitation therapy;
- (2) Cognitive communication therapy;
- (3) Neurocognitive therapy and rehabilitation;
- (4) Neurobehavioral, neurophysiological,
neuropsychological, and psychophysiological testing or
treatment;
- (5) Neurofeedback therapy;
- (6) Remediation; and
- (7) Any necessary post-acute transition services or
community reintegration services;



1 provided that the therapies and services required under this
2 section shall be covered for up to twenty years from the date
3 the acquired brain injury occurred; provided further that no
4 insurance provider shall be required to pay more than \$300,000
5 for therapies and services provided under this section per
6 member unless the insurance plan, policy, contract, or agreement
7 states otherwise.

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

14 (c) Every mutual benefit society shall provide notice to
15 its members regarding the coverage required by this section.
16 Notice shall be in writing and in literature or correspondence
17 sent to members beginning with calendar year 2015 along with any
18 other mailing to members, but in no case later than December 31,
19 2015."

20 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is
21 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-~~
9 ~~122, and 431:10A-116.2,~~] 431:10A- , and chapter 431M."

10 SECTION 5. The benefit to be provided by health
11 maintenance organizations corresponding to the benefit provided
12 under section 431:10A- , Hawaii Revised Statutes, as contained
13 in the amendment to section 432D-23, Hawaii Revised Statutes, in
14 section 4 of this Act shall take effect for all policies,
15 contracts, plans, or agreements issued in the State of Hawaii
16 after December 31, 2015.

17 SECTION 6. The department of commerce and consumer affairs
18 shall submit a report to the legislature no later than twenty
19 days prior to the convening of the 2017 regular session. The
20 report shall explain the economic impact that the expanded
21 coverage under this Act has had on affected insurers.



S.B. NO. 924

1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect upon its approval.
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INTRODUCED BY: Shiranne Chun Oakland
Rosely H Baker
Josh H



S.B. NO. 924

Report Title:

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

Description:

Requires certain insurance contracts and plans to provide coverage beginning 1/1/2016 for treatment of brain injuries, including cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities for a period of at least twenty years from the date the injury occurred and up to a lifetime cap per person of \$300,000.

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

