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# 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 health insurers,  
13 mutual benefit societies, and health maintenance organizations  
14 to provide coverage for cognitive rehabilitation therapy for  
15 survivors of traumatic brain injuries.

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



1        "§431:10A-        Cognitive rehabilitation therapy; coverage;  
2 notice. (a) Notwithstanding any other law to the contrary,  
3 each individual and group accident and health or sickness  
4 insurance policy issued or renewed in the State after  
5 December 31, 2018, shall provide coverage for cognitive  
6 rehabilitation therapy, as a result of and related to a  
7 traumatic brain injury, for the policyholder and individuals  
8 covered under the individual and group accident and health or  
9 sickness insurance policy.

10        (b) Cognitive rehabilitation therapy provided pursuant to  
11 this section shall be:

12        (1) Covered for up to twenty years from the date the  
13 traumatic brain injury occurred; and

14        (2) Subject to a maximum benefit of \$300,000 per insured,  
15 unless the individual and group accident and health or  
16 sickness insurance policy states otherwise.

17        (c) Coverage 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.



1       (d) Each individual and group accident and health or  
2       sickness insurance policy that includes coverage as required  
3       pursuant to this section shall provide payment or reimbursement  
4       for cognitive rehabilitation therapy that is considered  
5       medically necessary as defined in section 432E-1.4.

6       (e) Every insurer shall provide notice to its  
7       policyholders regarding the coverage required by this section.  
8       Notice shall be in writing and in literature or correspondence  
9       sent to policyholders beginning with calendar year 2018 along  
10       with any other mailing to policyholders, but in no case later  
11       than December 31, 2018.

12       (f) This section shall not apply to limited benefit health  
13       insurance as provided pursuant to section 431:10A-102.5.

14       (g) For the purposes of this section, "cognitive  
15       rehabilitation therapy" means a systematic, functionally-  
16       oriented service of therapeutic cognitive activities, based on  
17       an assessment and understanding of a person's brain-behavior  
18       deficits. Cognitive rehabilitation therapy services are  
19       directed to achieve functional changes by:

20       (1) Reinforcing, strengthening, or reestablishing  
21       previously learned patterns of behavior; or



1       (2) Establishing new patterns of cognitive activity or  
2       compensatory mechanisms for impaired neurological  
3       systems."

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

7       "§432:1- Cognitive rehabilitation therapy; coverage;  
8       notice. (a) Notwithstanding any other law to the contrary,  
9       each individual and group hospital or medical service plan  
10      contract issued or renewed in the State after December 31, 2018,  
11      shall provide coverage for cognitive rehabilitation therapy, as  
12      a result of and related to a traumatic brain injury, for the  
13      member and individuals covered under the individual and group  
14      hospital or medical service plan contract.

15      (b) Cognitive rehabilitation therapy provided pursuant to  
16      this section shall be:

17      (1) Covered for up to twenty years from the date the  
18      traumatic brain injury occurred; and

19      (2) Subject to a maximum benefit of \$300,000 per insured,  
20      unless the individual and group hospital or medical  
21      service plan contract states otherwise.



1        (c) Coverage 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 plan contract.

6        (d) Each individual and group hospital or medical service  
7        plan contract that includes coverage as required pursuant to  
8        this section shall provide payment or reimbursement for  
9        cognitive rehabilitation therapy that is considered medically  
10       necessary as defined in section 432E-1.4.

11       (e) Every mutual benefit society shall provide notice to  
12       its members regarding the coverage required by this section.  
13       Notice shall be in writing and in literature or correspondence  
14       sent to members beginning with calendar year 2018 along with any  
15       other mailing to members, but in no case later than December 31,  
16       2018.

17       (f) This section shall not apply to limited benefit health  
18       insurance as provided pursuant to section 431:10A-102.5.

19       (g) For the purposes of this section, "cognitive  
20       rehabilitation therapy" means a systematic, functionally-  
21       oriented service of therapeutic cognitive activities, based on



1 an assessment and understanding of a person's brain-behavior  
2 deficits. Cognitive rehabilitation therapy services are  
3 directed to achieve functional changes by:

4 (1) Reinforcing, strengthening, or reestablishing  
5 previously learned patterns of behavior; or

6 (2) Establishing new patterns of cognitive activity or  
7 compensatory mechanisms for impaired neurological  
8 systems."

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

11 **"§432D-23 Required provisions and benefits.**

12 Notwithstanding any provision of law to the contrary, each  
13 policy, contract, plan, or agreement issued in the State after  
14 January 1, 1995, by health maintenance organizations pursuant to  
15 this chapter, shall include benefits provided in sections  
16 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
17 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
18 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,  
19 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~],  
20 431:10A-, and chapter 431M."



1       SECTION 5. The benefit to be provided by health  
2 maintenance organizations corresponding to the benefit provided  
3 under section 431:10A- , Hawaii Revised Statutes, as contained  
4 in the amendment to section 432D-23, Hawaii Revised Statutes, in  
5 section 4 of this Act shall take effect for all policies,  
6 contracts, plans, or agreements issued in the State of Hawaii  
7 after December 31, 2018.

8       SECTION 6. (a) The auditor is requested to conduct a  
9 follow up analysis to the 2004 auditor's report, Assessment of  
10 Proposed Mandatory Health Insurance for Cognitive  
11 Rehabilitation, Report No. 04-11. The auditor is requested to  
12 assess and update the findings in Report No. 04-11 to reflect  
13 the wide range of studies on the treatment of traumatic brain  
14 injuries that have been published since Report No. 04-11 and  
15 conduct an analysis on the economic impact that the expanded  
16 coverage under this Act will have on affected providers of  
17 health insurance.

18       (b) The auditor shall report the auditor's findings and  
19 recommendations to the legislature no later than twenty days  
20 prior to the convening of the regular session of 2018.



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.





**Report Title:**

Mandated Coverage; Cognitive Rehabilitation Therapy; Traumatic Brain Injury

**Description:**

Requires health insurers, mutual benefit societies, and health maintenance organizations to provide coverage beginning 1/1/2018 for medically necessary cognitive rehabilitation therapy for survivors of traumatic brain injury. Requires coverage for up to twenty years from the date the traumatic brain injury occurred and imposes a lifetime cap of \$300,000 per person. Requests the auditor to update the 2004 auditor's report on cognitive rehabilitation and report back to the legislature.  
(SD1)

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

