

JAN 19 2017

A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1 SECTION 1. The purpose of this Act is to ensure that
2 homeless individuals are provided quality health care by
3 requiring insurance coverage for the treatment of homelessness.

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

7 "§431:10A- Homelessness; benefits and coverage; homeless
8 individuals. (a) Each individual or group accident and health
9 or sickness insurance policy issued or renewed in this State
10 after January 1, 2018, shall provide to the policyholder
11 coverage for the treatment of homelessness.

12 (b) This section shall not apply to disability, accident-
13 only, medicare, medicare supplement, student accident and health
14 or sickness insurance, dental-only, and vision-only policies or
15 policies or renewals of six months or less.

16 (c) Every insurer shall provide written notice to its
17 policyholders regarding the coverage required by this section.



S.B. NO. 2

1 The notice shall be in writing and prominently positioned in any
2 literature or correspondence sent to policyholders and shall be
3 transmitted to policyholders within calendar year 2018 when
4 annual information is made available to policyholders or in any
5 other mailing to policyholders, but in no case later than
6 December 31, 2018.

7 (d) Coverage for the treatment of homelessness under this
8 section shall be subject to a maximum benefit of \$ _____ per
9 year. This section shall not be construed as limiting benefits
10 that are otherwise available to an individual under an accident
11 and health or sickness insurance policy. Payments made by an
12 insurer on behalf of a covered individual for any care,
13 treatment, intervention, or service other than treatment of
14 homelessness shall not be applied toward the maximum benefit
15 established under this subsection.

16 (e) Coverage under this section may be subject to
17 copayment, deductible, and coinsurance provisions of an accident
18 and health or sickness insurance policy that are no less
19 favorable than the copayment, deductible, and coinsurance
20 provisions for substantially all medical services covered by the
21 policy.



S.B. NO. 2

1 (f) Treatment for homelessness shall include a treatment
2 plan. Except for inpatient services, if an individual is
3 receiving treatment for homelessness, an insurer may request a
4 review of the treatment plan for continued authorization of
5 coverage for treatment of homelessness at the insurer's
6 discretion.

7 (g) The medical necessity of treatment covered by this
8 section shall be determined pursuant to the policy and shall be
9 defined in the policy in a manner that is consistent with other
10 services under the policy. Except for inpatient services, if an
11 individual is receiving treatment for homelessness, an insurer
12 may request a review of the medical necessity of that treatment
13 at the insurer's discretion.

14 (h) This section shall not be construed as reducing any
15 obligation to provide services to an individual under any
16 publicly funded program, an individualized family service plan,
17 an individualized education program, or an individualized
18 service plan.

19 (i) As used in this section, unless the context clearly
20 requires otherwise:



S.B. NO. 2

1 "Homeless individual" has the same meaning as defined in
2 section 334-1.

3 "Treatment" of "treatment for homelessness" includes the
4 following care prescribed or ordered for a homeless individual
5 by a licensed physician if the care is determined to be
6 medically necessary:

7 (1) Behavioral health services, including mental health
8 and substance abuse services;

9 (2) Case management;

10 (3) Personal care and personal assistance services; and

11 (4) Home and community-based services."

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

15 "§432:1- Homelessness; benefits and coverage; homeless
16 individuals. (a) Each hospital and medical service plan
17 contract issued or renewed in this State after January 1, 2018,
18 shall provide to the member covered under the plan contract
19 coverage for the treatment of homelessness.

20 (b) This section shall not apply to disability, accident-
21 only, medicare, medicare supplement, student accident and health



S.B. NO. 2

1 or sickness insurance, dental-only, and vision-only policies or
2 policies or renewals of six months or less.

3 (c) Every mutual benefit society shall provide written
4 notice to its members regarding the coverage required by this
5 section. The notice shall be in writing and prominently
6 positioned in any literature or correspondence sent to members
7 and shall be transmitted to members within calendar year 2018
8 when annual information is made available to members or in any
9 other mailing to members, but in no case later than December 31,
10 2018.

11 (d) Coverage for the treatment of homelessness under this
12 section shall be subject to a maximum benefit of \$ _____ per
13 year. This section shall not be construed as limiting benefits
14 that are otherwise available to a member under a hospital and
15 medical service plan contract. Payments made by an insurer on
16 behalf of a member for any care, treatment, intervention, or
17 service other than treatment of homelessness shall not be
18 applied toward the maximum benefit established under this
19 subsection.

20 (e) Coverage under this section may be subject to
21 copayment, deductible, and coinsurance provisions of policy that



S.B. NO. 2

1 are no less favorable than the copayment, deductible, and
2 coinsurance provisions for substantially all medical services
3 covered by the plan contract.

4 (f) Treatment for homelessness shall include a treatment
5 plan. Except for inpatient services, if an individual is
6 receiving treatment for homelessness, a mutual benefit society
7 may request a review of the treatment plan for continued
8 authorization of coverage for treatment of homelessness at the
9 mutual benefit society's discretion.

10 (g) The medical necessity of treatment covered by this
11 section shall be determined pursuant to the plan contract and
12 shall be defined in the plan contract in a manner that is
13 consistent with other services under the plan contract. Except
14 for inpatient services, if an individual is receiving treatment
15 for homelessness, a mutual benefit society may request a review
16 of the medical necessity of that treatment at the society's
17 discretion.

18 (h) This section shall not be construed as reducing any
19 obligation to provide services to an individual under any
20 publicly funded program, an individualized family service plan,



S.B. NO. 2

1 an individualized education program, or an individualized
2 service plan.

3 (i) As used in this section, unless the context clearly
4 requires otherwise:

5 "Homeless individual" has the same meaning as defined in
6 section 334-1.

7 "Treatment" or "treatment for homelessness" includes the
8 following care prescribed or ordered for a homeless individual
9 by a licensed physician if the care is determined to be
10 medically necessary:

11 (1) Behavioral health services, including mental health
12 and substance abuse services;

13 (2) Case management;

14 (3) Personal care and personal assistance services; and

15 (4) Home and community-based services."

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

18 **"§432D-23 Required provisions and benefits.**

19 Notwithstanding any provision of law to the contrary, each
20 policy, contract, plan, or agreement issued in the State after
21 January 1, 1995, by health maintenance organizations pursuant to



S.B. NO. 2

1 this chapter, shall include benefits provided in sections
2 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
3 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
4 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
5 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134~~],
6 431:10A- , and chapter 431M."

7 SECTION 5. The coverage and benefit for the treatment of
8 homelessness to be provided by a health maintenance organization
9 under section 4 of this Act shall apply to all policies,
10 contracts, plans, or agreements issued or renewed in this State
11 by a health maintenance organization after January 1, 2018.

12 SECTION 6. The mandatory coverage and treatment for
13 homelessness required by this Act shall apply to:

- 14 (1) All health benefits plans under chapter 87A, Hawaii
15 Revised Statutes, issued, renewed, modified, altered,
16 or amended on or after January 1, 2018; and
17 (2) All plans under medicaid managed care programs in the
18 State.

19 SECTION 7. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 2

1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2017;
4 provided further that paragraph (2) of section 6 shall take
5 effect upon approval of the Hawaii medicaid state plan by the
6 Centers for Medicare and Medicaid Services.

7

INTRODUCED BY:

Jack Iwami
Karl Nakagawa
Rosa E. Pina
Blaine



S.B. NO. 2

Report Title:

Homelessness; Treatment; Mandatory Health Coverage

Description:

Beginning January 1, 2018, requires all health plans in the State, including EUTF health plans and medicaid managed care programs, to provide coverage for the treatment of homelessness.

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

