

JAN 20 2017

A BILL FOR AN ACT

RELATING TO VICTIMS OF SEXUAL VIOLENCE.

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

1 SECTION 1. The legislature finds that sexual violence is
2 extremely prevalent. In the United States, one in six women and
3 one in thirty-three men have experienced an attempted or
4 completed rape in their lifetime, while one in four girls and
5 one in six boys will be sexually abused before they turn
6 eighteen.

7 The legislature further finds that sexual violence can have
8 severe and lasting emotional and mental health impacts on
9 victims. Victims of sexual assault during adulthood suffer
10 post-traumatic stress disorder at a rate between thirty to
11 sixty-five per cent, as well as elevated rates of depressive
12 disorders, parasuicidal behaviors, and substance use disorders.
13 Victims of sexual abuse during childhood are diagnosed with
14 post-traumatic stress disorder at a rate three to five times
15 that of people who have not experienced sexual abuse; have a
16 rate of lifetime depression of fifty-two per cent; and also
17 experience increased rates of suicide and other self-harming



1 behaviors, problems with alcohol use, eating disorders, and
2 disruptions to developmental processes that lead to personality
3 disorders. Consequently, many victims of sexual violence
4 represent complex mental health cases that require clinical case
5 management services by licensed mental health providers, in
6 addition to psychotherapy, to effectively manage mental illness
7 related to sexual violence.

8 The legislature additionally finds that it can be difficult
9 for victims of sexual violence to obtain appropriate mental
10 health services due to the limited availability of qualified
11 service providers who are able to take on complex mental health
12 cases. Clinical case management services, which are required
13 for the treatment of complex mental health cases caused, in
14 whole or in part, by sexual violence, are not generally covered
15 by health insurers. This is a barrier to sufficient provider
16 availability, as clinical case management services are often an
17 unreimbursed expense that discourages providers from accepting
18 these complex cases.

19 Accordingly, the purpose of this Act is to improve mental
20 health service availability for victims of sexual violence by
21 requiring insurance coverage for appropriate, related case



1 management services by licensed mental health providers for
2 victims of sexual violence who suffer from mental illness.

3 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is
4 amended by adding two new definitions to be appropriately
5 inserted and to read as follows:

6 "Case management" means a professional intervention
7 conducted by a licensed mental health provider that identifies
8 needs and assists in obtaining coordinated, appropriate services
9 and resources for a victim of sexual violence. "Case
10 management" includes but is not limited to:

11 (1) Coordinating with other health care providers, such as
12 behavioral and mental health care providers; and

13 (2) Assisting victims of sexual violence obtain
14 appropriate government program entitlements, access
15 insurance coverage, and obtain other appropriate
16 programs and services offered by government agencies
17 and community organizations.

18 "Victim of sexual violence" means an individual who suffers
19 from mental illness caused, in whole or in part, by sexual
20 violence."



1 SECTION 3. Section 431M-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All individual and group accident and health or
4 sickness insurance policies issued in this State, individual or
5 group hospital or medical service plan contracts, and nonprofit
6 mutual benefit society, fraternal benefit society, and health
7 maintenance organization health plan contracts shall include
8 within their hospital and medical coverage the benefits of
9 alcohol use disorder, substance use disorder, and mental health
10 treatment services, including services for alcohol dependence
11 and drug dependence [7] and case management services for victims
12 of sexual violence, except that this section shall not apply to
13 insurance policies that are issued solely for single diseases,
14 or otherwise limited, specialized coverage."

15 SECTION 4. Section 431M-4, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Mental illness benefits.
18 (1) Covered benefits for mental health services set forth
19 in this subsection shall be limited to coverage for
20 diagnosis and treatment of mental disorders. All
21 mental health services shall be provided under an

1 individualized treatment plan approved by a physician,
2 psychologist, licensed clinical social worker,
3 licensed marriage and family therapist, licensed
4 mental health counselor, advanced practice registered
5 nurse, or licensed dietitian treating eating
6 disorders, and must be reasonably expected to improve
7 the patient's condition. An individualized treatment
8 plan approved by a licensed clinical social worker,
9 licensed marriage and family therapist, licensed
10 mental health counselor, advanced practice registered
11 nurse, or a licensed dietitian treating eating
12 disorders, for a patient already under the care or
13 treatment of a physician or psychologist shall be done
14 in consultation with the physician or psychologist;

- 15 (2) In-hospital and nonhospital residential mental health
16 services as a covered benefit under this chapter shall
17 be provided in a hospital or a nonhospital residential
18 facility. The services to be covered shall include
19 those services required for licensure and
20 accreditation;



1 (3) Mental health partial hospitalization as a covered
2 benefit under this chapter shall be provided by a
3 hospital or a mental health outpatient facility. The
4 services to be covered under this paragraph shall
5 include those services required for licensure and
6 accreditation; [~~and~~]

7 (4) Mental health outpatient services shall be a covered
8 benefit under this chapter~~[-]~~; and

9 (5) Case management services by licensed mental health
10 providers for victims of sexual violence shall be a
11 reimbursable, covered benefit under this chapter."

12 SECTION 5. Notwithstanding any other law to the contrary,
13 the coverage and reimbursement for case management services for
14 victims of sexual violence required under sections 2, 3, and 4
15 of this Act shall apply to all health benefits plans under
16 chapter 87A, Hawaii Revised Statutes, issued, renewed, modified,
17 altered, or amended on or after the effective date of this Act.

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



S.B. NO. 503

1 SECTION 7. This Act shall take effect upon its approval.

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S.B. NO. 503

Report Title:

Health Insurance; Mental Illness Benefits; Covered Services;
Case Management Services; Victims of Sexual Violence

Description:

Requires health insurance coverage for case management services by licensed mental health providers for victims of sexual violence.

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