

MAR 10 2017

SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL
EFFECTS OF REQUIRING HEALTH INSURERS, MUTUAL BENEFIT
SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE
COVERAGE FOR MEDICALLY NECESSARY COGNITIVE REHABILITATION
THERAPY FOR SURVIVORS OF TRAUMATIC BRAIN INJURY.

1 WHEREAS, traumatic brain injury is damage to the brain, not
2 of a degenerative or congenital nature, that is caused by an
3 external force; and
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5 WHEREAS, traumatic brain injury may produce a diminished or
6 altered state of consciousness and may result in an impairment
7 of cognitive abilities or physical functioning; and
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9 WHEREAS, traumatic brain injury is a leading cause of death
10 and disability among children and young adults; and
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12 WHEREAS, survivors of traumatic brain injury can lead full
13 lives thanks to lifesaving medical techniques and rehabilitation
14 services; however, survivors face a long rehabilitation process
15 that may not be covered by certain health benefit plans; and
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17 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
18 that "[b]efore any legislative measure that mandates health
19 insurance coverage for specific health services, specific
20 diseases, or certain providers of health care services as part
21 of individual or group health insurance policies, can be
22 considered, there shall be concurrent resolutions passed
23 requesting the auditor to prepare and submit to the legislature
24 a report that assesses both the social and financial effects of
25 the proposed mandated coverage"; and
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27 WHEREAS, section 23-51, Hawaii Revised Statutes, further
28 provides that "[t]he concurrent resolutions shall designate a
29 specific legislative bill that:
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- (1) Has been introduced in the legislature; and
- (2) Includes, at a minimum, information identifying the:
 - (A) Specific health service, disease, or provider that would be covered;
 - (B) Extent of the coverage;
 - (C) Target groups that would be covered;
 - (D) Limits on utilization, if any; and
 - (E) Standards of care"; and

WHEREAS, section 23-52, Hawaii Revised Statutes, further specifies the minimum information required for assessing the social and financial impact of the proposed health coverage mandate in the Auditor's report; and

WHEREAS, S.B. No. 225, S.D. 1, has been introduced during the Regular Session of 2017 and mandates health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for medically necessary cognitive rehabilitation therapy for survivors of traumatic brain injury, beginning January 1, 2018; and

WHEREAS, the Auditor last conducted an impact assessment report on cognitive rehabilitation in 2004, pursuant to S.C.R. No. 37 (2004); and

WHEREAS, the Auditor's Report No. 04-11 reported an inconclusive finding regarding mandated coverage for cognitive rehabilitation and noted that the Auditor's determination was "hampered by the lack of a standard definition [of cognitive rehabilitation] and more effective evidence on effective treatments. Experts and current literature support the need for more definitive scientific studies. The issue should be revisited when those studies become available."; and



1 WHEREAS, since the Auditor's Report No. 04-11 was issued, a
2 range of studies on the treatment of traumatic brain injuries
3 have been published; and
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5 WHEREAS, the incidence of traumatic brain injury continues
6 to increase, particularly among veterans who have returned from
7 serving in combat missions overseas; and
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9 WHEREAS, the Legislature believes that a follow up analysis
10 to Auditor's Report No. 04-11 is warranted; and
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12 WHEREAS, the Legislature also believes that mandatory
13 coverage for medically necessary cognitive rehabilitation
14 therapy for survivors of traumatic brain injury, as provided in
15 S.B. No. 225, S.D. 1, Regular Session of 2017, will
16 substantially reduce illness and help survivors of traumatic
17 brain injuries in this State lead full, productive lives; now,
18 therefore,
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20 BE IT RESOLVED by the Senate of the Twenty-ninth
21 Legislature of the State of Hawaii, Regular Session of 2017, the
22 House of Representatives concurring, that the Auditor is
23 requested to conduct an assessment, pursuant to sections 23-51
24 and 23-52, Hawaii Revised Statutes, of the social and financial
25 effects of mandating health insurers, mutual benefit societies,
26 and health maintenance organizations to provide coverage for
27 medically necessary cognitive rehabilitation therapy for
28 survivors of traumatic brain injury effective January 1, 2018,
29 as provided in S.B. No. 225, S.D. 1, Regular Session of 2017;
30 and
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32 BE IT FURTHER RESOLVED that the Auditor is also requested
33 to consider the wide range of studies on the treatment of
34 traumatic brain injuries that have been published since
35 Auditor's Report No. 04-11 was issued; and
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37 BE IT FURTHER RESOLVED that the Auditor is requested to
38 submit its findings and recommendations to the Legislature,
39 including any necessary implementing legislation, no later than
40 twenty days prior to the convening of the Regular Session of
41 2018; and
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1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the Auditor and the
 3 Insurance Commissioner, who in turn is requested to transmit
 4 copies to each insurer in the State that issues health insurance
 5 policies, contracts, plans, or agreements.
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