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# 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 and  
2 abuse are extremely prevalent. In the United States, one in six  
3 women and one in thirty-three men have experienced an attempted  
4 or 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. According to the Sex Abuse Treatment Center, an  
7 estimated 43.9 per cent of women and 23.4 per cent of men have  
8 experienced forms of sexual violence other than rape within  
9 their lifetimes.

10           The legislature further finds that victims of sexual  
11 violence and abuse often know their abusers. According to the  
12 2010 National Intimate Partner and Sexual Violence Survey, 51.1  
13 per cent of female victims of rape reported being raped by an  
14 intimate partner and 40.8 per cent reported being raped by an  
15 acquaintance, while 52.4 per cent of male victims of rape  
16 reported being raped by an acquaintance. The same survey  
17 reported that nearly one in ten women in the United States has  
18 been raped by an intimate partner in her lifetime, and an



1 estimated 16.9 per cent of women and eight per cent of men have  
2 experienced sexual violence other than rape by an intimate  
3 partner at some point in their lifetime. Furthermore, the  
4 majority of children and teen victims of sexual violence and  
5 abuse know the perpetrator. According to RAINN, of the sexual  
6 abuse cases reported to law enforcement, ninety-three per cent  
7 of juvenile victims knew their abusers, with the majority of the  
8 perpetrators being either acquaintances or family members.

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



1 disorders. Consequently, many victims of sexual violence and  
2 abuse represent complex mental health cases that require  
3 clinical case management services by qualified mental health  
4 providers, in addition to psychotherapy, to effectively manage  
5 mental illness related to sexual violence and abuse.

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

17 Accordingly, the purpose of this Act is to improve mental  
18 health service availability for victims of sexual violence and  
19 abuse by requiring insurance coverage for appropriate, related  
20 case management services by qualified mental health providers



1 for victims of sexual violence and abuse who suffer from mental  
2 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 qualified mental health provider that identifies  
8 needs and assists in obtaining coordinated, appropriate services  
9 and resources for a victim of sexual violence and abuse. "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 and abuse 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 and abuse" means an individual  
19 who suffers from mental illness caused, in whole or in part, by  
20 sexual violence and abuse."



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[-] and case management services for victims  
12 of sexual violence and abuse, except that this section shall not  
13 apply to insurance policies that are issued solely for single  
14 diseases, 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 qualified mental health  
10 providers for victims of sexual violence and abuse  
11 shall be a reimbursable, covered benefit under this  
12 chapter. The services to be covered under this  
13 paragraph shall be provided directly or contracted  
14 out, depending on the plan used."

15 SECTION 5. Notwithstanding any other law to the contrary,  
16 the coverage and reimbursement for case management services for  
17 victims of sexual violence and abuse required under sections 2,  
18 3, and 4 of this Act shall apply to all health benefits plans  
19 under chapter 87A, Hawaii Revised Statutes, issued, renewed,  
20 modified, altered, or amended on or after the effective date of  
21 this Act.



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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**Report Title:**

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

**Description:**

Requires health insurance coverage for case management services  
by qualified mental health providers for victims of sexual  
violence and abuse. (SD1)

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not legislation or evidence of legislative intent.*

