
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 lifetimes, while one-in-four girls
5 and one-in-six boys will be sexually abused before they turn
6 eighteen. According to The Centers for Disease Control and
7 Prevention, an estimated 43.9 per cent of women and 23.4 per
8 cent of men have experienced forms of sexual violence other than
9 rape within their lifetimes.

10 The legislature further finds that sexual violence and
11 abuse can have severe and lasting emotional and mental health
12 impacts on victims. Victims of sexual assault during adulthood
13 suffer post-traumatic stress disorder at a rate between thirty
14 to sixty-five per cent, as well as elevated rates of depressive
15 disorders, parasuicidal behaviors, and substance use disorders.
16 Victims of sexual abuse during childhood face numerous
17 psychological challenges at rates higher than people who have



1 not experienced sexual abuse including being three to five times
2 more likely to be diagnosed with post-traumatic stress disorder,
3 fifty-two per cent higher lifetime depression rates, experience
4 increased rates of suicide, self-harming behaviors, alcohol use,
5 eating disorders, and disruptions to developmental processes
6 that lead to personality disorders. Consequently, many victims
7 of sexual violence and abuse represent mental health cases that
8 require clinical victim support services by licensed mental
9 health providers, in addition to psychotherapy, to effectively
10 manage mental disorders related to sexual violence and abuse.

11 The legislature also finds that it can be difficult for
12 victims of sexual violence and abuse to obtain appropriate
13 mental health services due to the limited availability of
14 licensed mental health providers who are able to take on
15 potentially complex mental health cases. Clinical victim
16 support services, which are required for treatment of mental
17 disorders caused, in whole or in part, by sexual violence and
18 abuse, are not generally covered by health insurers. This is a
19 barrier to sufficient provider availability, as clinical victim
20 support services are often an unreimbursed expense that
21 discourages providers from accepting potentially complex cases.



1 The purpose of this Act is to improve mental health service
2 availability for victims of sexual violence and abuse by
3 requiring that accident and health or sickness insurance
4 policies provide coverage for appropriate clinical victim
5 support services provided by licensed mental health providers.

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

9 "Clinical victim support service" means a professional
10 intervention conducted by a licensed mental health provider to
11 identify needs and assist in obtaining coordinated, appropriate
12 services, and resources for a victim of sexual violence and
13 abuse to curtail or prevent the progression and worsening of
14 mental disorders and associated functional impairments caused,
15 in whole or in part, by sexual violence and abuse. Clinical
16 victim support services include coordinating with other health
17 care providers, such as primary care physicians, behavioral and
18 mental health care providers, and hospitals.

19 "Victim of sexual violence and abuse" means an individual
20 who suffers from one or more mental disorders caused, in whole
21 or in part, by 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 in this State, individual or group
5 hospital or medical service plan contracts, and nonprofit mutual
6 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 clinical victim support services for
12 victims of sexual violence and abuse, except that this section
13 shall not apply to insurance policies that are issued solely for
14 single 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) Clinical victim support services provided by licensed
10 mental health providers for victims of sexual violence
11 and abuse shall be a covered benefit under this
12 chapter."

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

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Insurance Coverage; Clinical Victim Support Services; Victims of Sexual Violence and Abuse

Description:

Requires that health insurance policies include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders. Defines "clinical victim support service" and "victim of sexual violence or abuse" for the purposes of insurance coverage. (HB2128 HD2)

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