

JAN 19 2018

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# A BILL FOR AN ACT

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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 qualified 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 qualified 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 qualified 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 qualified 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 the sexual violence and abuse. Clinical  
16      victim support services include:

17      (1) Coordinating with other health care providers, such as  
18           primary care physicians, behavioral and mental health  
19           care providers, and hospitals;

20      (2) Assisting victims of sexual violence and abuse in  
21           obtaining appropriate government entitlements, access,



1           insurance coverage, and other appropriate programs and  
2           services offered by government agencies and community  
3           organizations; and

4        (3) Coordinating with schools, employers, and other  
5           individuals and entities concerning a victim.

6        "Victim of sexual violence and abuse" means an individual  
7        who suffers from one or more mental disorders caused, in whole  
8        or in part, by sexual violence and abuse."

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

11        "(a) All individual and group accident and health or  
12       sickness insurance policies in this State, individual or group  
13       hospital or medical service plan contracts, and nonprofit mutual  
14       benefit society, fraternal benefit society, and health  
15       maintenance organization health plan contracts shall include  
16       within their hospital and medical coverage the benefits of  
17       alcohol use disorder, substance use disorder, and mental health  
18       treatment services, including services for alcohol dependence  
19       and drug dependence[7] and clinical victim support services for  
20       victims of sexual violence and abuse, except that this section



1 shall not apply to insurance policies that are issued solely for  
2 single diseases, or otherwise limited, specialized coverage."

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

5 "(b) Mental illness benefits.

6 (1) Covered benefits for mental health services set forth  
7 in this subsection shall be limited to coverage for  
8 diagnosis and treatment of mental disorders. All  
9 mental health services shall be provided under an  
10 individualized treatment plan approved by a physician,  
11 psychologist, licensed clinical social worker,  
12 licensed marriage and family therapist, licensed  
13 mental health counselor, advanced practice registered  
14 nurse, or licensed dietitian treating eating  
15 disorders, and must be reasonably expected to improve  
16 the patient's condition. An individualized treatment  
17 plan approved by a licensed clinical social worker,  
18 licensed marriage and family therapist, licensed  
19 mental health counselor, advanced practice registered  
20 nurse, or a licensed dietitian treating eating  
21 disorders, for a patient already under the care or



1 treatment of a physician or psychologist shall be done  
2 in consultation with the physician or psychologist;

3 (2) In-hospital and nonhospital residential mental health  
4 services as a covered benefit under this chapter shall  
5 be provided in a hospital or a nonhospital residential  
6 facility. The services to be covered shall include  
7 those services required for licensure and  
8 accreditation;

9 (3) Mental health partial hospitalization as a covered  
10 benefit under this chapter shall be provided by a  
11 hospital or a mental health outpatient facility. The  
12 services to be covered under this paragraph shall  
13 include those services required for licensure and  
14 accreditation; [and]

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

17 (5) Clinical victim support services provided by qualified  
18 mental health providers for victims of sexual violence  
19 and abuse shall be a covered benefit under this  
20 chapter."



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

8 SECTION 6. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

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

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# S.B. NO. 2342

**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.

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