

MAR 08 2019

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A MENTAL HEALTH AND SUBSTANCE ABUSE PARITY WORKING GROUP TO DETERMINE HOW THE STATE CAN COMPLY WITH AND EXCEED FEDERAL MENTAL HEALTH AND SUBSTANCE ABUSE PARITY LAWS AND REGULATIONS.

1 WHEREAS, the Legislature finds that treatment for
2 behavioral health disorders in the State continues to be
3 costlier and more difficult to obtain than general medical care;
4 and

5
6 WHEREAS, different financial limits and cost-sharing
7 requirements, limits on coverage, providers, types, and duration
8 of treatment, and other provisions constrain the level and
9 quality of insured health care that is available to those with
10 behavioral health issues; and

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12 WHEREAS, pursuant to the United States Department of the
13 Treasury's interim final rules pertaining to the federal Paul
14 Wellstone and Pete Domenici Mental Health Parity and Addiction
15 Equity Act of 2008, group health plans are prevented from
16 imposing less favorable benefit limitations on mental health and
17 substance abuse disorder benefits than on medical or surgical
18 benefits; and

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20 WHEREAS, action by the State is required to achieve
21 compliance with federal rules; and

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23 WHEREAS, updating the State's parity laws to comply with
24 federal requirements presents an opportunity for the State to
25 enact and implement parity laws that are even more comprehensive
26 than the minimum required by the federal government; now,
27 therefore,

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29 BE IT RESOLVED by the Senate of the Thirtieth Legislature
30 of the State of Hawaii, Regular Session of 2019, that the
31 Director of Health is requested to convene a mental health and
32 substance abuse parity working group to determine how the State
33 can comply with and exceed federal mental health and substance
34 abuse parity laws and regulations; and



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2 BE IT FURTHER RESOLVED that the working group is requested
3 to include:

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5 (1) The Director of Health, or the Director's designee, to
6 co-chair the working group;
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8 (2) The Attorney General, or the Attorney General's
9 designee, to co-chair the working group;
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11 (3) The Insurance Commissioner, or the Insurance
12 Commissioner's designee;
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14 (4) A representative designated by the Governor;
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16 (5) A representative designated by the President of the
17 Senate;
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19 (6) A representative designated by the Speaker of the
20 House of Representatives;
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22 (7) A representative of the Alcohol and Drug Abuse
23 Division of the Department of Health;
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25 (8) A representative of the Adult Mental Health Division
26 of the Department of Health;
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28 (9) A representative of the Coalition for a Drug-Free
29 Hawaii;
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31 (10) A representative of Mental Health America of Hawaii;
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33 (11) A representative of the Legal Aid Society of Hawaii;
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35 (12) A representative from an entity operating a health
36 plan in the State;
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38 (13) A medical professional licensed under chapter 453,
39 Hawaii Revised Statutes;
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41 (14) A psychologist licensed under chapter 465, Hawaii
42 Revised Statutes; and



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2 (15) A clinical social worker licensed under chapter 467E,
3 Hawaii Revised Statutes; and
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5 BE IT FURTHER RESOLVED that the initial meeting of the
6 working group be convened no later than July 1, 2019; and
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8 BE IT FURTHER RESOLVED that the working group is requested
9 to examine:
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11 (1) Special reports, including any updates to the special
12 reports, that provide an analysis of the federal Paul
13 Wellstone and Pete Domenici Mental Health Parity and
14 Addiction Equity Act of 2008 and relevant final rules;
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16 (2) Provisions in national health care reform laws and
17 regulation that affect behavioral health care,
18 including:
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20 (A) Provisions that interact with the Mental Health
21 Parity and Addiction Equity Act of 2008; and
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23 (B) Provisions that address the issue of
24 affordability and lack of coordination of
25 behavioral health care through the establishment
26 of federally qualified behavioral health centers
27 and co-location of primary and specialty care
28 services with behavioral health services;
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30 (3) The State's role and responsibilities in implementing
31 the Mental Health Parity and Addiction Equity Act of
32 2008;
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34 (4) Areas of state law not in compliance with federal
35 mental health and substance abuse parity requirements
36 or that are in compliance but where the working group
37 sees opportunities to enhance the State's mental
38 health and substance abuse parity laws; and
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40 (5) Whether compliance with federal mental health and
41 substance abuse parity requirements is sufficient to



1 lower the high price of treatment for mental health
2 and substance abuse patients with insurance; and
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4 BE IT FURTHER RESOLVED that the working group is requested
5 to examine the following elements in the course of its research
6 regarding the addition or enhancement of components of the
7 State's mental health and substance abuse parity laws:
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- 9 (1) Coverage options, including mandatory coverage of
10 mental illnesses and substance abuse;
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- 12 (2) Definitions of covered conditions and other terms
13 necessary to implement the State's parity laws;
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- 15 (3) Individual and small group plans;
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- 17 (4) Financial and durational limits on treatment;
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- 19 (5) Managed care;
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- 21 (6) Out-of-network coverage;
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- 23 (7) Adequacy of network provider panels;
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- 25 (8) Prescription medications;
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- 27 (9) Specific services for serious mental illness;
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- 29 (10) Oversight of implementation; and
30
- 31 (11) Independent external review of claims; and
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33 BE IT FURTHER RESOLVED that the working group is requested
34 to submit a report of its findings and recommendations of any
35 legislative or administrative action the working group deems
36 appropriate, including any proposed legislation, to the
37 Legislature no later than twenty days prior to the convening of
38 the Regular Session of 2020; and
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40 BE IT FURTHER RESOLVED that the working group be dissolved
41 on June 30, 2020; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Director of Health, Insurance
3 Commissioner, Attorney General, Administrator of the Alcohol and
4 Drug Abuse Division of the Department of Health, and
5 Administrator of the Adult Mental Health Division of the
6 Department of Health.

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OFFERED BY:













