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# A BILL FOR AN ACT

RELATING TO CLINICAL VICTIM SUPPORT SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that sexual violence and  
3 abuse are extremely prevalent in the United States. One in six  
4 women and one in thirty-three men have experienced an attempted  
5 or completed rape in their lifetimes, while one in four girls  
6 and one in six boys will be sexually abused before they turn  
7 eighteen. According to the federal Centers for Disease Control  
8 and Prevention, an estimated 43.9 per cent of women and 23.4 per  
9 cent of men have experienced forms of sexual violence other than  
10 rape within their lifetimes.

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



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

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



1 support services are often an unreimbursed expense that  
2 discourages providers from accepting potentially complex cases.

3 The purpose of this Act is to improve mental health service  
4 availability for victims of sexual violence and abuse by  
5 clarifying that clinical victim support services for victims of  
6 sexual violence and abuse are a mental health outpatient  
7 services benefit required to be covered under health insurance  
8 policies offered by health insurers, mutual benefit societies,  
9 fraternal benefit societies, and health maintenance  
10 organizations.

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

14 "Clinical victim support services" means a professional  
15 intervention conducted by a licensed mental health provider to  
16 identify needs and assist in obtaining coordinated, appropriate  
17 services and resources for a victim of sexual violence and abuse  
18 to curtail or prevent the progression and worsening of mental  
19 disorders and associated functional impairments caused, in whole  
20 or in part, by the sexual violence and abuse. "Clinical victim  
21 support services" include:



- 1        (1) Coordinating with other health care providers, such as
- 2            primary care physicians, behavioral and mental health
- 3            care providers, and hospitals;
- 4        (2) Assisting victims of sexual violence and abuse in
- 5            obtaining appropriate government entitlements, access
- 6            to insurance coverage, and other appropriate programs
- 7            and services offered by government agencies and
- 8            community organizations; and
- 9        (3) Coordinating with schools, employers, and other
- 10           individuals and entities concerning a victim of sexual
- 11           violence and abuse.

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

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

17        "(a) All individual and group policies of accident and  
 18 health or sickness insurance [~~policies~~] issued in this State,  
 19 individual or group hospital or medical service plan contracts,  
 20 and nonprofit mutual benefit society, fraternal benefit society,  
 21 and health maintenance organization health plan contracts shall



1 include within their hospital and medical coverage the benefits  
2 of alcohol use disorder, substance use disorder, and mental  
3 health treatment services, including services for alcohol  
4 dependence and drug dependence[7] and clinical victim support  
5 services for victims of sexual violence and abuse, except that  
6 this section shall not apply to insurance policies that are  
7 issued solely for single diseases, or otherwise limited,  
8 specialized coverage."

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

11 "(b) Mental illness benefits.

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



1 the patient's condition. An individualized treatment  
2 plan approved by a licensed clinical social worker,  
3 licensed marriage and family therapist, licensed  
4 mental health counselor, advanced practice registered  
5 nurse, or a licensed dietitian treating eating  
6 disorders, for a patient already under the care or  
7 treatment of a physician or psychologist shall be done  
8 in consultation with the physician or psychologist;

9 (2) In-hospital and nonhospital residential mental health  
10 services as a covered benefit under this chapter shall  
11 be provided in a hospital or a nonhospital residential  
12 facility. The services to be covered shall include  
13 those services required for licensure and  
14 accreditation;

15 (3) Mental health partial hospitalization as a covered  
16 benefit under this chapter shall be provided by a  
17 hospital or a mental health outpatient facility. The  
18 services to be covered under this paragraph shall  
19 include those services required for licensure and  
20 accreditation; and



1 (4) Mental health outpatient services, including clinical  
2 victim support services, shall be a covered benefit  
3 under this chapter."

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

11 PART II

12 SECTION 6. (a) The state auditor shall conduct an impact  
13 assessment report pursuant to section 23-51, Hawaii Revised  
14 Statutes, to assess the social and financial effects of the  
15 mandate specified in part I of this Act.

16 (b) This part shall satisfy the procedural requirements,  
17 in lieu of a concurrent resolution, of section 23-51, Hawaii  
18 Revised Statutes.

19 (c) The state auditor shall submit a report of its  
20 findings and recommendations, including any proposed



1 legislation, to the legislature no later than twenty days prior  
2 to the convening of the regular session of 2020.

3 PART III

4 SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2050;  
7 provided that part I of this Act shall take effect January 1,  
8 2021.





**Report Title:**

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

**Description:**

Clarifies that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies. Requires the State Auditor to conduct an impact assessment and to report any findings prior to the Regular Session of 2020. (HB484 HD2)

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