

JAN 18 2019

A BILL FOR AN ACT

RELATING TO CLINICAL VICTIM SUPPORT SERVICES.

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 federal Centers for Disease Control
7 and 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
2 times more likely to be diagnosed with post-traumatic stress
3 disorder; having fifty-two per cent higher rates of lifetime
4 depression; and experiencing increased rates of suicide, self-
5 harming behaviors, alcohol use, eating disorders, and
6 disruptions to developmental processes that lead to personality
7 disorders. Consequently, many victims of sexual violence and
8 abuse represent mental health cases that require clinical victim
9 support services by licensed mental health providers, in
10 addition to psychotherapy, to effectively manage mental
11 disorders related to sexual violence and abuse.

12 The legislature also finds that it can be difficult for
13 victims of sexual violence and abuse to obtain appropriate
14 mental health services due to the limited availability of
15 licensed mental health providers who are able to take on
16 potentially complex mental health cases. Clinical victim
17 support services, which are required for treatment of mental
18 disorders caused, in whole or in part, by sexual violence and
19 abuse, are not generally covered by health insurers. This is a
20 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 legislature additionally finds that under existing law,
4 health insurance policies offered by health insurers, mutual
5 benefit societies, fraternal benefit societies, and health
6 maintenance organizations are required to provide coverage for
7 mental health outpatient services. Clinical victim support
8 services are routinely and normally provided by licensed mental
9 health providers to survivors of sexual violence and abuse.
10 Since a strong argument exists that these types of services fall
11 within the existing definition of "mental health outpatient
12 services", coverage for clinical victim support services should
13 already have been a covered mental health outpatient services
14 benefit under chapter 431M, Hawaii Revised Statutes, and would
15 not be considered a new covered benefit. Therefore, section
16 23-51, Hawaii Revised Statutes, which requires an impact
17 assessment report by the auditor prior to any new legislatively-
18 mandated health insurance coverage, does not apply.

19 The purpose of this Act is to improve mental health service
20 availability for victims of sexual violence and abuse by
21 clarifying that clinical victim support services for victims of



1 sexual violence and abuse are a mental health outpatient
2 services benefit required to be covered under health insurance
3 policies offered by health insurers, mutual benefit societies,
4 fraternal benefit societies, and health maintenance
5 organizations.

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 services" 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 abuse
13 to curtail or prevent the progression and worsening of mental
14 disorders and associated functional impairments caused, in whole
15 or in part, by the sexual violence and abuse. "Clinical victim
16 support services" includes:

- 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 of sexual
6 violence and abuse.

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

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

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



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

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

6 "(b) Mental illness benefits.

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



1 disorders, for a patient already under the care or
2 treatment of a physician or psychologist shall be done
3 in consultation with the physician or psychologist;

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

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

16 (4) Mental health outpatient services, including clinical
17 victim support services, shall be a covered benefit
18 under this chapter."

19 SECTION 5. Section 23-51, Hawaii Revised Statutes, shall
20 not apply to this Act.



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1 SECTION 6. 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 7. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect on July 1, 2019.

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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 offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

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