

JAN 21 2026

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. The legislature finds that autism spectrum
2 disorder (autism) is a lifelong neurodevelopmental condition
3 that can affect individuals in varying ways across their
4 lifespan. The legislature further finds, however, that existing
5 law limits health insurance coverage for applied behavioral
6 analysis and other therapies for the diagnosis and treatment of
7 autism to individuals under fourteens years of age. This age
8 limitation denies necessary care to many adolescents and adults
9 who would continue to benefit from therapeutic support for
10 autism. The legislature also finds that the current annual cap
11 of \$25,000 on health insurance coverage for applied behavioral
12 analysis creates additional barriers to accessing adequate and
13 continuous treatment for autism, as this amount is often
14 insufficient to cover the full cost of applied behavioral
15 analysis services for many individuals. The legislature
16 believes that removing these limitations will ensure equitable



1 access to medically necessary treatment and improve long-term
2 health outcomes for individuals with autism in the State.

3 Accordingly, the purpose of this Act is to:

4 (1) Repeal the fourteen years and under age limit for
5 health insurance coverage requirements for the
6 diagnosis and treatment of autism; and

7 (2) Repeal the maximum coverage benefit limit of \$25,000
8 for applied behavioral analysis services.

9 SECTION 2. Section 431:10A-133, Hawaii Revised Statutes,
10 is amended to read as follows:

11 "[~~f~~]**\$431:10A-133[~~f~~]** **Autism benefits and coverage; notice;**
12 **definitions.** (a) Each individual or group accident and health
13 or sickness insurance policy issued or renewed in this State
14 after January 1, [~~2016~~], 2027, shall provide to the policyholder
15 and individuals [~~under fourteen years of age~~] covered under the
16 policy coverage for the diagnosis of autism and treatment [~~of~~]
17 for autism.

18 (b) This section shall not apply to disability,
19 accident-only, medicare, medicare supplement, student accident
20 and health or sickness insurance, dental-only, and vision-only
21 policies or policies or renewals of six months or less.



1 (c) Every insurer shall provide written notice to its
2 policyholders regarding the coverage required by this section.
3 The notice shall be in writing and prominently positioned in any
4 literature or correspondence sent to policyholders and shall be
5 transmitted to policyholders within calendar year 2016 when
6 annual information is made available to policyholders or in any
7 other mailing to policyholders, but in no case later than
8 December 31, 2016.

9 ~~[(d) Coverage for applied behavioral analysis provided~~
10 ~~under this section shall be subject to a maximum benefit of~~
11 ~~\$25,000 per year for services for children ages thirteen and~~
12 ~~under. This section shall not be construed as limiting benefits~~
13 ~~that are otherwise available to an individual under an accident~~
14 ~~and health or sickness insurance policy. Payments made by an~~
15 ~~insurer on behalf of a covered individual for any care,~~
16 ~~treatment, intervention, or service other than applied~~
17 ~~behavioral analysis shall not be applied toward the maximum~~
18 ~~benefit established under this subsection.]~~

19 ~~[(e)]~~ (d) Coverage under this section may be subject to
20 copayment, deductible, and coinsurance provisions of an accident
21 and health or sickness insurance policy that are no less



1 favorable than the copayment, deductible, and coinsurance
2 provisions for substantially all medical services covered by the
3 policy.

4 ~~[(f)]~~ (e) Treatment for autism requests shall include a
5 treatment plan. Except for inpatient services, if an individual
6 is receiving treatment for autism, an insurer may request a
7 review of the treatment plan for continued authorization of
8 coverage for treatment for autism at the insurer's discretion.

9 ~~[(g)]~~ (f) The medical necessity of treatment covered by
10 this section shall be determined pursuant to the policy and
11 shall be defined in the policy in a manner that is consistent
12 with other services covered under the policy. Except for
13 inpatient services, if an individual is receiving treatment for
14 autism, an insurer may request a review of the medical necessity
15 of that treatment at the insurer's discretion.

16 ~~[(h)]~~ (g) This section shall not be construed as reducing
17 any obligation to provide services to an individual under any
18 publicly funded program, an individualized family service plan,
19 an individualized education program, or an individualized
20 service plan.



1 ~~[(+i)]~~ (h) Coverage under this section shall exclude
2 coverage for:

- 3 (1) Care that is custodial in nature;
4 (2) Services and supplies that are not clinically
5 appropriate;
6 (3) Services provided by family or household members;
7 (4) Treatments considered experimental; and
8 (5) Services provided outside of the State.

9 ~~[(+j)]~~ (i) Insurers shall include in their network of
10 approved autism service providers only those providers who have
11 cleared state and federal criminal background checks as
12 determined by the insurer.

13 ~~[(+k)]~~ (j) If an individual has been diagnosed as having
14 autism meeting the diagnostic criteria described in the
15 Diagnostic and Statistical Manual of Mental Disorders available
16 at the time of diagnosis, upon publication of a more recent
17 edition of the Diagnostic and Statistical Manual of Mental
18 Disorders, that individual may be required to undergo repeat
19 evaluation to remain eligible for coverage under this section.

20 ~~[(+l)]~~ (k) Treatment for autism shall not be covered
21 pursuant to this section unless provided by an autism service



1 provider that is licensed by a state licensure board. If a
2 state licensure board that licenses providers to provide autism
3 services is unavailable, the autism service provider shall:

4 (1) Be certified by the Behavior Analyst Certification
5 Board, Inc.; provided that certification by the
6 Behavior Analyst Certification Board, Inc., shall be
7 valid for purposes of this subsection for no more than
8 one year; or

9 (2) Meet any existing credentialing requirements
10 determined by the insurer.

11 ~~[(m)]~~ (1) As used in this section~~[, unless the context~~
12 ~~clearly requires otherwise]~~:

13 "Applied behavior analysis" means the design,
14 implementation, and evaluation of environmental modifications,
15 using behavioral stimuli and consequences, to produce socially
16 significant improvement in human behavior, including the use of
17 direct observation, measurement, and functional analysis of the
18 relations between environment and behavior.

19 "Autism" means autism spectrum disorder as defined by the
20 most recent edition of the Diagnostic and Statistical Manual of
21 Mental Disorders.



1 "Autism service provider" means any person, entity, or
2 group that provides treatment for autism and meets the minimum
3 requirements pursuant to subsection ~~[(1)].~~ (k).

4 "Behavioral health treatment" means evidence based
5 counseling and treatment programs, including applied behavior
6 analysis, that are:

7 (1) Necessary to develop, maintain, or restore, to the
8 maximum extent practicable, the functioning of an
9 individual; and

10 (2) Provided or supervised by an autism service provider.

11 "Diagnosis of autism" means medically necessary
12 assessments, evaluations, or tests conducted to diagnose whether
13 an individual has autism.

14 "Pharmacy care" means medications prescribed by a licensed
15 physician or registered nurse practitioner and any health-
16 related services that are deemed medically necessary to
17 determine the need or effectiveness of the medications.

18 "Psychiatric care" means direct or consultative services
19 provided by a licensed psychiatrist.

20 "Psychological care" means direct or consultative services
21 provided by a licensed psychologist.



1 "Therapeutic care" means services provided by licensed
2 speech pathologists, registered occupational therapists,
3 licensed social workers, licensed clinical social workers, or
4 licensed physical therapists.

5 "Treatment for autism" includes the following care
6 prescribed or ordered for an individual diagnosed with autism by
7 a licensed physician, psychiatrist, psychologist, licensed
8 clinical social worker, or registered nurse practitioner if the
9 care is determined to be medically necessary:

- 10 (1) Behavioral health treatment;
- 11 (2) Pharmacy care;
- 12 (3) Psychiatric care;
- 13 (4) Psychological care; and
- 14 (5) Therapeutic care."

15 SECTION 3. Section 432:1-614, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§432:1-614[+] **Autism benefits and coverage; notice;**
18 **definitions.** (a) Each hospital and medical service plan
19 contract issued or renewed in this State after January 1,
20 [~~2016~~] 2027, shall provide to the member and individuals [~~under~~



1 ~~fourteen years of age~~] covered under the plan contract coverage
2 for the diagnosis of autism and treatment ~~[of]~~ for autism.

3 (b) This section shall not apply to disability,
4 accident-only, medicare, medicare supplement, student accident
5 and health or sickness insurance, dental-only, and vision-only
6 policies or policies or renewals of six months or less.

7 (c) Every mutual benefit society shall provide written
8 notice to its members regarding the coverage required by this
9 section. The notice shall be in writing and prominently
10 positioned in any literature or correspondence sent to members
11 and shall be transmitted to members within calendar year ~~[2016,]~~
12 2027, when annual information is made available to members or in
13 any other mailing to members, but in no case later than
14 December 31, ~~[2016.]~~ 2027.

15 ~~[(d) Coverage for applied behavioral analysis provided~~
16 ~~under this section shall be subject to a maximum benefit of~~
17 ~~\$25,000 per year for services for children ages thirteen and~~
18 ~~under. This section shall not be construed as limiting benefits~~
19 ~~that are otherwise available to a member under a hospital and~~
20 ~~medical service plan contract. Payments made on behalf of a~~
21 ~~member for any care, treatment, intervention, or service other~~



1 ~~than applied behavioral analysis shall not be applied toward the~~
2 ~~maximum benefit established under this subsection.]~~

3 ~~[(e)]~~ (d) Coverage under this section may be subject to
4 copayment, deductible, and coinsurance provisions of a policy
5 that are no less favorable than the copayment, deductible, and
6 coinsurance provisions for substantially all medical services
7 covered by the plan contract.

8 ~~[(f)]~~ (e) Treatment for autism requests shall include a
9 treatment plan. Except for inpatient services, if an individual
10 is receiving treatment for autism, a mutual benefit society may
11 request a review of the treatment plan for continued
12 authorization of coverage for treatment for autism at the mutual
13 benefit society's discretion.

14 ~~[(g)]~~ (f) The medical necessity of treatment covered by
15 this section shall be determined pursuant to the plan contract
16 and shall be defined in the plan contract in a manner that is
17 consistent with other services covered under the plan contract.
18 Except for inpatient services, if an individual is receiving
19 treatment for autism, a mutual benefit society may request a
20 review of the medical necessity of that treatment at the
21 society's discretion.



1 ~~[(h)]~~ (g) This section shall not be construed as reducing
2 any obligation to provide services to an individual under any
3 publicly funded program, an individualized family service plan,
4 an individualized education program, or an individualized
5 service plan.

6 ~~[(i)]~~ (h) Coverage under this section shall exclude
7 coverage for:

- 8 (1) Care that is custodial in nature;
- 9 (2) Services and supplies that are not clinically
10 appropriate;
- 11 (3) Services provided by family or household members;
- 12 (4) Treatments considered experimental; and
- 13 (5) Services provided outside of the State.

14 ~~[(j)]~~ (i) Mutual benefit societies shall include in their
15 network of approved autism service providers only those
16 providers who have cleared state and federal criminal background
17 checks as determined by the society.

18 ~~[(k)]~~ (j) If an individual has been diagnosed as having
19 autism meeting the diagnostic criteria described in the
20 Diagnostic and Statistical Manual of Mental Disorders available
21 at the time of diagnosis, upon publication of a more recent



1 edition of the Diagnostic and Statistical Manual of Mental
2 Disorders, that individual may be required to undergo repeat
3 evaluation to remain eligible for coverage under this section.

4 ~~[(1)]~~ (k) Treatment for autism shall not be covered
5 pursuant to this section unless provided by an autism service
6 provider that is licensed by a state licensure board. If a
7 state licensure board that licenses providers to provide autism
8 services is unavailable, the autism service provider shall:

9 (1) Be certified by the Behavior Analyst Certification
10 Board, Inc.; provided that certification by the
11 Behavior Analyst Certification Board, Inc., shall be
12 valid for purposes of this subsection for no more than
13 one year; or

14 (2) Meet any existing credentialing requirements
15 determined by the mutual benefit society.

16 ~~[(m)]~~ (l) As used in this section~~[, unless the context~~
17 ~~clearly requires otherwise]:~~

18 "Applied behavior analysis" means the design,
19 implementation, and evaluation of environmental modifications,
20 using behavioral stimuli and consequences, to produce socially
21 significant improvement in human behavior, including the use of



1 direct observation, measurement, and functional analysis of the
2 relations between environment and behavior.

3 "Autism" means autism spectrum disorder as defined by the
4 most recent edition of the Diagnostic and Statistical Manual of
5 Mental Disorders.

6 "Autism service provider" means any person, entity, or
7 group that provides treatment for autism and meets the minimum
8 requirements pursuant to subsection ~~[(1)]~~ (k).

9 "Behavioral health treatment" means evidence based
10 counseling and treatment programs, including applied behavior
11 analysis, that are:

12 (1) Necessary to develop, maintain, or restore, to the
13 maximum extent practicable, the functioning of an
14 individual; and

15 (2) Provided or supervised by an autism service provider.

16 "Diagnosis of autism" means medically necessary
17 assessments, evaluations, or tests conducted to diagnose whether
18 an individual has autism.

19 "Pharmacy care" means medications prescribed by a licensed
20 physician or registered nurse practitioner and any



1 health-related services that are deemed medically necessary to
2 determine the need or effectiveness of the medications.

3 "Psychiatric care" means direct or consultative services
4 provided by a licensed psychiatrist.

5 "Psychological care" means direct or consultative services
6 provided by a licensed psychologist.

7 "Therapeutic care" means services provided by licensed
8 speech pathologists, registered occupational therapists,
9 licensed social workers, licensed clinical social workers, or
10 licensed physical therapists.

11 "Treatment for autism" includes the following care
12 prescribed or ordered for an individual diagnosed with autism by
13 a licensed physician, psychiatrist, psychologist, licensed
14 clinical social worker, or registered nurse practitioner if the
15 care is determined to be medically necessary:

- 16 (1) Behavioral health treatment;
- 17 (2) Pharmacy care;
- 18 (3) Psychiatric care;
- 19 (4) Psychological care; and
- 20 (5) Therapeutic care."



1 SECTION 4. The benefit to be provided by health
2 maintenance organizations corresponding to the benefit provided
3 under section 431:10A-133, Hawaii Revised Statutes, as amended,
4 in section 2 of this Act, shall take effect for all policies,
5 contracts, plans, or agreements issued or renewed in the State
6 after December 31, 2026.

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

9 SECTION 6. This Act shall take effect on January 1, 2027.

10

INTRODUCED BY:

SKS



S.B. NO. 2204

Report Title:

Health Insurance; Autism; Benefits; Coverage; Age; Limit; Repeal

Description:

Beginning 1/1/2027, repeals the fourteen years and under age limit for health insurance coverage requirements for the diagnosis and treatment of autism. Repeals the maximum coverage benefit limit of \$25,000 for applied behavioral analysis services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

