



GOV. MSG. NO. 849

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 27, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 27, 2008, the following bill was signed into law:

SB2159 HD1

A BILL FOR AN ACT RELATING TO PROFESSIONS.
(ACT 206)

Sincerely,

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO PROFESSIONS.

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

1 SECTION 1. Section 26H-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§26H-4 Repeal dates for newly enacted professional and~~
4 ~~vocational regulatory programs. [+(a)] Any professional or~~
5 ~~vocational regulatory program enacted after January 1, 1994, and~~
6 ~~listed in this section shall be repealed on December 31, 2008.~~
7 The auditor shall perform an evaluation of the program, pursuant
8 to section 26H-5, prior to its repeal date.

9 ~~[(b) Chapter 453D (licensed mental health counselors)~~
10 ~~shall be repealed on December 31, 2008.]~~

11 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted
14 and to read as follows:

15 "Licensed mental health counselor" means a person:



- 1 (1) Who engages in the practice of mental health counseling
2 and uses the title of licensed mental health
3 counselor;
- 4 (2) Who is licensed in mental health counseling practice
5 pursuant to chapter 453D; and
- 6 (3) Whose license is in effect and not revoked or
7 suspended."

8 2. By amending the definition of "alcohol or drug
9 dependence outpatient services" to read:

10 "Alcohol or drug dependence outpatient services" means
11 alcohol or drug dependence nonresidential treatment provided on
12 an ambulatory basis to patients with alcohol or drug dependence
13 problems that includes interventions prescribed and performed by
14 qualified physicians, psychologists, licensed clinical social
15 workers, marriage and family therapists, licensed mental health
16 counselor, or advanced practice registered nurses. This
17 definition shall not imply a broadening of the scope of or
18 granting of prescriptive authority privileges, except as
19 otherwise allowed pursuant to chapter 457."

20 3. By amending the definition of "day treatment services"
21 to read:



1 ""Day treatment services" means treatment services provided
2 by a hospital, mental health outpatient facility, or nonhospital
3 facility to patients who, because of their conditions, require
4 more than periodic hourly service. Day treatment services shall
5 be prescribed by a physician, psychologist, licensed clinical
6 social worker, marriage and family therapist, licensed mental
7 health counselor, or advanced practice registered nurse, and
8 carried out under the supervision of a physician, psychologist,
9 licensed clinical social worker, marriage and family therapist,
10 licensed mental health counselor, or advanced practice
11 registered nurse. Day treatment services require less than
12 twenty-four hours of care and a minimum of three hours in any
13 one day."

14 4. By amending the definition of "mental health outpatient
15 services" to read:

16 ""Mental health outpatient services" means mental health
17 nonresidential treatment provided on an ambulatory basis to
18 patients with mental illness that includes interventions
19 prescribed and performed by a physician, psychologist, licensed
20 clinical social worker, marriage and family therapist, licensed
21 mental health counselor, or advanced practice registered nurse."



1 5. By amending the definition of "partial hospitalization
2 services" to read:

3 ""Partial hospitalization services" means treatment
4 services, including in-hospital treatment services or benefits,
5 provided by a hospital or mental health outpatient facility to
6 patients who, because of their conditions, require more than
7 periodic hourly service. Partial hospitalization services shall
8 be prescribed by a physician or psychologist, and may be
9 prescribed by a licensed clinical social worker, marriage and
10 family therapist, licensed mental health counselor, or advanced
11 practice registered nurse in consultation with a physician or
12 psychologist. Partial hospitalization services require less
13 than twenty-four hours of care and a minimum of three hours in
14 any one day."

15 6. By amending the definition of "qualified" to read:

16 ""Qualified" means:

17 (1) Having skill in the diagnosis or treatment of
18 substance use disorders, based on a practitioner's
19 credentials, including but not limited to professional
20 education, clinical training, licensure, board or
21 other certification, clinical experience, letters of



1 reference, other professional qualifications, and
2 disciplinary action; or

3 (2) Being a licensed physician, psychologist, licensed
4 clinical social worker, marriage and family therapist,
5 licensed mental health counselor, or advanced practice
6 registered nurse, and certified pursuant to chapter
7 321."

8 7. By amending the definition of "treatment episode" to
9 read:

10 "'Treatment episode" means one admission to an accredited
11 hospital or nonhospital facility, or office of a qualified
12 physician, psychologist, licensed clinical social worker,
13 marriage and family therapist, licensed mental health counselor,
14 or advanced practice registered nurse for treatment of alcohol
15 or drug dependence, or both, as stipulated in a prescribed
16 treatment plan and that would generally produce remission in
17 those who complete the treatment. The prescribed treatment plan
18 may include the provision of substance abuse services in more
19 than one location and may include in-hospital, nonhospital
20 residential, day treatment, or alcohol or drug dependence
21 outpatient services, or any combination thereof. An admission



1 for only detoxification services shall not constitute a
2 treatment episode."

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

5 "(a) Covered benefits for alcohol dependence, drug
6 dependence, or mental illness insurance policies, hospital or
7 medical service plan contracts, and health maintenance
8 organization health plan contracts shall be limited to those
9 services certified by the insurance or health care plan
10 carrier's physician, psychologist, licensed clinical social
11 worker, marriage and family therapist, licensed mental health
12 counselor, or advanced practice registered nurse as medically or
13 psychologically necessary at the least restrictive appropriate
14 level of care."

15 SECTION 4. Section 431M-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§431M-4 Mental illness, alcohol and drug dependence**
18 **benefits.** (a) The covered benefit under this chapter shall not
19 be less than thirty days of in-hospital services per year. Each
20 day of in-hospital services may be exchanged for two days of
21 nonhospital residential services, two days of partial
22 hospitalization services, or two days of day treatment services.



1 Visits to a physician, psychologist, licensed clinical social
2 worker, marriage and family therapist, licensed mental health
3 counselor, or advanced practice registered nurse shall not be
4 less than thirty visits per year to hospital or nonhospital
5 facilities or to mental health outpatient facilities for day
6 treatment or partial hospitalization services. Each day of in-
7 hospital services may also be exchanged for two outpatient
8 visits under this chapter; provided that the patient's condition
9 is such that the outpatient services would reasonably preclude
10 hospitalization. The total covered benefit for outpatient
11 services in subsections (b) and (c) shall not be less than
12 twenty-four visits per year; provided that coverage of twelve of
13 the twenty-four outpatient visits shall apply only to the
14 services under subsection (c). The other covered benefits under
15 this chapter shall apply to any of the services in subsection
16 (b) or (c). In the case of alcohol and drug dependence
17 benefits, the insurance policy may limit the number of treatment
18 episodes but may not limit the number to less than two treatment
19 episodes per lifetime. Nothing in this section shall be
20 construed to limit serious mental illness benefits.

21 (b) Alcohol and drug dependence benefits shall be as
22 follows:



1 (1) Detoxification services as a covered benefit under
2 this chapter shall be provided either in a hospital or
3 in a nonhospital facility that has a written
4 affiliation agreement with a hospital for emergency,
5 medical, and mental health support services. The
6 following services shall be covered under
7 detoxification services:

- 8 (A) Room and board;
- 9 (B) Diagnostic x-rays;
- 10 (C) Laboratory testing; and
- 11 (D) Drugs, equipment use, special therapies, and
12 supplies.

13 Detoxification services shall be included as part of
14 the covered in-hospital services, but shall not be
15 included in the treatment episode limitation, as
16 specified in subsection (a);

17 (2) Alcohol or drug dependence treatment through
18 in-hospital, nonhospital residential, or day treatment
19 substance abuse services as a covered benefit under
20 this chapter shall be provided in a hospital or
21 nonhospital facility. Before a person qualifies to
22 receive benefits under this subsection, a qualified



1 physician, psychologist, licensed clinical social
2 worker, marriage and family therapist, licensed mental
3 health counselor, or advanced practice registered
4 nurse shall determine that the person suffers from
5 alcohol or drug dependence, or both; provided that the
6 substance abuse services covered under this paragraph
7 shall include those services that are required for
8 licensure and accreditation and shall be included as
9 part of the covered in-hospital services as specified
10 in subsection (a). Excluded from alcohol or drug
11 dependence treatment under this subsection are
12 detoxification services and educational programs to
13 which drinking or drugged drivers are referred by the
14 judicial system and services performed by mutual self-
15 help groups;

- 16 (3) Alcohol or drug dependence outpatient services as a
17 covered benefit under this chapter shall be provided
18 under an individualized treatment plan approved by a
19 qualified physician, psychologist, licensed clinical
20 social worker, marriage and family therapist, licensed
21 mental health counselor, or advanced practice
22 registered nurse and shall be services reasonably



1 expected to produce remission of the patient's
2 condition. An individualized treatment plan approved
3 by a marriage and family therapist, licensed mental
4 health counselor, licensed clinical social worker, or
5 an advanced practice registered nurse for a patient
6 already under the care or treatment of a physician or
7 psychologist shall be done in consultation with the
8 physician or psychologist. Services covered under
9 this paragraph shall be included as part of the
10 covered outpatient services as specified in subsection
11 (a); and

- 12 (4) Substance abuse assessments for alcohol or drug
13 dependence as a covered benefit under this section for
14 a child facing disciplinary action under section
15 302A-1134.6 shall be provided by a qualified
16 physician, psychologist, licensed clinical social
17 worker, advanced practice registered nurse, or
18 certified substance abuse counselor. The certified
19 substance abuse counselor shall be employed by a
20 hospital or nonhospital facility providing substance
21 abuse services. The substance abuse assessment shall



1 evaluate the suitability for substance abuse treatment
2 and placement in an appropriate treatment setting.

3 (c) Mental illness benefits.

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

20 (2) In-hospital and nonhospital residential mental health
21 services as a covered benefit under this chapter shall
22 be provided in a hospital or a nonhospital residential



1 facility. The services to be covered shall include
2 those services required for licensure and
3 accreditation, and shall be included as part of the
4 covered in-hospital services as specified in
5 subsection (a);

6 (3) Mental health partial hospitalization as a covered
7 benefit under this chapter shall be provided by a
8 hospital or a mental health outpatient facility. The
9 services to be covered under this paragraph shall
10 include those services required for licensure and
11 accreditation and shall be included as part of the
12 covered in-hospital services as specified in
13 subsection (a); and

14 (4) Mental health outpatient services shall be a covered
15 benefit under this chapter and shall be included as
16 part of the covered outpatient services as specified
17 in subsection (a)."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.



S.B. NO. 2159
H.D. 1

APPROVED this 27 day of JUN, 2008

A handwritten signature in black ink, appearing to read "Linda Lingle". The signature is fluid and cursive, with the first name "Linda" and last name "Lingle" clearly distinguishable.

GOVERNOR OF THE STATE OF HAWAII