
A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

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

1 SECTION 1. The purpose of this Act is to ensure the
2 provision of quality health care procedures for all Hawaii
3 residents by requiring coverage of and treatment for autism
4 spectrum disorders.

5 SECTION 2. Chapter 431, article 10A, Hawaii Revised
6 Statutes, is amended by adding a new section to be appropriately
7 designated and to read as follows:

8 "§431:10A- Autism spectrum disorders benefits and
9 coverage; notice; definitions. (a) Any other law to the
10 contrary notwithstanding, each employer group health policy,
11 contract, plan, or agreement issued or renewed in this State
12 after December 31, 2008, shall provide to the policyholder and
13 individuals under twenty-one years of age covered under the
14 policy, contract, plan, or agreement, coverage for the diagnosis
15 and treatment of autism spectrum disorders.

16 (b) Every insurer shall provide notice to its
17 policyholders regarding the coverage required by this section.
18 The notice shall be in writing and prominently positioned in any



1 literature or correspondence sent to policyholders and shall be
2 transmitted to policyholders within calendar year 2008 when
3 annual information is made available to policyholders, or in any
4 other mailing to policyholders, but in no case later than
5 December 31, 2008.

6 (c) Coverage provided under this section shall be subject
7 to a maximum benefit of \$75,000 per year but shall not be
8 subject to any limits on the number of visits to an autism
9 service provider. After December 31, 2010, the insurance
10 commissioner, on an annual basis, shall adjust the maximum
11 benefit for inflation using the medical care component of the
12 United States Department of Labor consumer price index for all
13 urban consumers (CPI-U). The commissioner shall publish the
14 adjusted maximum benefit annually no later than April 1 of each
15 calendar year, which shall apply during the following calendar
16 year to health insurance policies subject to this section.
17 Payments made by an insurer on behalf of a covered individual
18 for any care, treatment, intervention, service, or item, the
19 provision of which was for the treatment of a health condition
20 unrelated to the covered individual's autism spectrum disorder,
21 shall not be applied toward any maximum benefit established
22 under this subsection.



1 (d) Coverage under this section shall be subject to co-
2 payment, deductible, and coinsurance provisions of a health
3 insurance policy to the extent that other medical services
4 covered by the policy are subject to these provisions.

5 (e) This section shall not be construed as limiting
6 benefits that are otherwise available to an individual under a
7 health insurance policy.

8 (f) As used in this section, unless the context clearly
9 requires otherwise:

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

16 "Autism service provider" means any person, entity, or
17 group that provides treatment of autism spectrum disorders.

18 "Autism spectrum disorders" means any of the pervasive
19 developmental disorders as defined by the most recent edition of
20 the Diagnostic and Statistical Manual of Mental Disorders,
21 including autistic disorder, Asperger's disorder, pervasive



1 developmental disorder not otherwise specified, Rett's disorder,
2 and childhood disintegrative disorder.

3 "Diagnosis of autism spectrum disorders" means medically
4 necessary assessments, evaluations, or tests conducted to
5 diagnose whether an individual has an autism spectrum disorder.

6 "Health insurance policy" means any group health, sickness,
7 or accident policy or subscriber contract or certificate issued
8 by an insurance entity subject to this section.

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

13 "Psychiatric care" means direct or consultative services
14 provided by a licensed psychiatrist.

15 "Psychological care" means direct or consultative services
16 provided by a licensed psychologist.

17 "Rehabilitative and habilitative care" means professional,
18 counseling, and guidance services and treatment programs,
19 including applied behavior analysis, that are necessary to
20 develop, maintain, and restore, to the maximum extent
21 practicable, the functioning of an individual.



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

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

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

15 SECTION 3. Chapter 432, article 1, Hawaii Revised
16 Statutes, is amended by adding a new section to be appropriately
17 designated and to read as follows:

18 "§432:1- Autism spectrum disorders benefits and
19 coverage; notice; definitions. (a) Any other law to the
20 contrary notwithstanding, each individual and group hospital or
21 medical service plan, policy, contract, or agreement issued or
22 renewed in this State after December 31, 2008, shall provide to



1 the member and individuals under twenty-one years of age covered
2 under the service plan, policy, contract, or agreement, coverage
3 for the diagnosis and treatment of autism spectrum disorders.

4 (b) Every mutual benefit society shall provide notice to
5 its members regarding the coverage required by this section.

6 The notice shall be in writing and prominently positioned in any
7 literature or correspondence sent to members and shall be
8 transmitted to members within calendar year 2008 when annual
9 information is made available to members, or in any other
10 mailing to members, but in no case later than December 31, 2008.

11 (c) Coverage provided under this section shall be subject
12 to a maximum benefit of \$75,000 per year but shall not be
13 subject to any limits on the number of visits to an autism
14 service provider. After December 31, 2010, the insurance
15 commissioner, on an annual basis, shall adjust the maximum
16 benefit for inflation using the medical care component of the
17 United States Department of Labor consumer price index for all
18 urban consumers (CPI-U). The commissioner shall publish the
19 adjusted maximum benefit annually no later than April 1 of each
20 calendar year, which shall apply during the following calendar
21 year to health insurance policies subject to this section.

22 Payments made by a mutual benefit society on behalf of a covered



1 individual for any care, treatment, intervention, service, or
2 item, the provision of which was for the treatment of a health
3 condition unrelated to the covered individual's autism spectrum
4 disorder, shall not be applied toward any maximum benefit
5 established under this subsection.

6 (d) Coverage under this section shall be subject to co-
7 payment, deductible, and coinsurance provisions of a health
8 insurance policy to the extent that other medical services
9 covered by the policy are subject to these provisions.

10 (e) This section shall not be construed as limiting
11 benefits that are otherwise available to an individual under a
12 health insurance policy.

13 (f) As used in this section, unless the context clearly
14 requires otherwise:

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

21 "Autism service provider" means any person, entity, or
22 group that provides treatment of autism spectrum disorders.



1 "Autism spectrum disorders" means any of the pervasive
2 developmental disorders as defined by the most recent edition of
3 the Diagnostic and Statistical Manual of Mental Disorders,
4 including autistic disorder, Asperger's disorder, pervasive
5 developmental disorder not otherwise specified, Rett's disorder,
6 and childhood disintegrative disorder.

7 "Diagnosis of autism spectrum disorders" means medically
8 necessary assessments, evaluations, or tests conducted to
9 diagnose whether an individual has an autism spectrum disorder.

10 "Health insurance policy" means any group health, sickness,
11 or accident policy or subscriber contract or certificate issued
12 by a mutual benefit society subject to this section.

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

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

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

21 "Rehabilitative care" means professional, counseling, and
22 guidance services and treatment programs, including applied



1 behavior analysis, that are necessary to develop, maintain, and
2 restore, to the maximum extent practicable, the functioning of
3 an individual.

4 "Therapeutic care" means services provided by licensed
5 speech pathologists, registered occupational therapists, or
6 licensed physical therapists.

7 "Treatment for autism spectrum disorders" includes the
8 following care prescribed, provided, or ordered for an
9 individual diagnosed with an autism spectrum disorder by a
10 licensed physician, psychologist, or registered nurse
11 practitioner if the care is determined to be medically
12 necessary:

- 13 (1) Psychiatric care;
- 14 (2) Psychological care;
- 15 (3) Rehabilitative care;
- 16 (4) Therapeutic care; and
- 17 (5) Pharmacy care."

18 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§432D-23 Required provisions and benefits.**

21 Notwithstanding any provision of law to the contrary, each
22 policy, contract, plan, or agreement issued in the State after



1 January 1, 1995, by health maintenance organizations pursuant to
2 this chapter, shall include benefits provided in sections
3 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
4 116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [~~and~~]
5 431:10A-121, and 431:10A- , and chapter 431M."

6 SECTION 5. The benefit to be provided by health
7 maintenance organizations corresponding to the benefit provided
8 under section 431:10A- , Hawaii Revised Statutes, as contained
9 in the amendment to section 432D-23, Hawaii Revised Statutes, in
10 section 4 of this Act, shall take effect for all policies,
11 contracts, plans, or agreements issued in the State after
12 December 31, 2008.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Mandatory Health Coverage; Autism Spectrum Disorders

Description:

Requires all health insurers, mutual benefit societies, and health maintenance organizations to provide mandatory coverage for all policyholders, member, subscribers, and individuals under age 21 for the diagnosis and treatment of autism spectrum disorders beginning 1/1/2009. (SD1)

