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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. According to a 2009 poll conducted for the  
2 Closing the Addiction Treatment Gap Initiative, most Americans,  
3 regardless of race, age, place of residence, or income, know  
4 someone personally who has been addicted to alcohol or drugs.  
5 Additionally, seventy-three per cent of Americans support the  
6 idea of including alcohol and drug addiction treatment as part  
7 of national health care reform to make the treatment more  
8 accessible and affordable. Despite widespread concern and  
9 support across America, the legislature finds that treatment for  
10 behavioral health disorders continues to be costlier and more  
11 difficult to obtain than general medical care. Different  
12 financial limits and cost-sharing requirements, limits on  
13 coverage, providers, types, and duration of treatment, and other  
14 provisions constrain the level and quality of insured health  
15 care that is available to those with behavioral health issues.

16           Pursuant to the United States Department of the Treasury's  
17 Interim Final Rules pertaining to the Paul Wellstone and Pete  
18 Domenici Mental Health Parity and Addiction Equity Act of 2008,



1 group health plans are required to have no more restrictions on  
2 mental health and substance abuse disorders than on medical or  
3 surgical benefits. The legislature finds that while the Interim  
4 Final Rules require action by the State to ensure compliance,  
5 the State also has the option to enact and implement parity laws  
6 that are even more comprehensive than what is required for  
7 federal compliance.

8 The purpose of this Act is to convene a mental health and  
9 substance abuse parity working group to determine how the State  
10 can come into compliance with federal mental health and  
11 substance abuse parity laws and regulations and enhance its  
12 existing parity laws.

13 SECTION 2. (a) The director of health shall convene a  
14 mental health and substance abuse parity working group and may  
15 work with any other department to carry out the purpose of this  
16 Act. The working group shall consist of fourteen members as  
17 follows:

- 18 (1) Two members appointed by the governor;
- 19 (2) Two members appointed by the president of the senate;
- 20 (3) Two members appointed by the speaker of the house of  
21 representatives;
- 22 (4) One member appointed by the attorney general;



- 1 (5) One member appointed by the insurance commissioner;
- 2 (6) One member appointed by the alcohol and drug abuse
- 3 division of the department of health;
- 4 (7) One member appointed by the adult mental health
- 5 division of the department of health;
- 6 (8) One representative of the Hawaii Substance Abuse
- 7 Coalition;
- 8 (9) One representative of the Mental Health Association in
- 9 Hawaii;
- 10 (10) One representative of the Legal Aid Society of Hawaii;
- 11 and
- 12 (11) One representative of a health insurance provider,
- 13 regulated under chapter 431, article 10A; chapter 432,
- 14 article I; or chapter 432D, or a managed care
- 15 provider, such as a health maintenance organization or
- 16 preferred provider organization.
- 17 (b) The duties of the working group shall be as follows:
- 18 (1) Review special reports, and updates to the special
- 19 reports, that provide an analysis of the Paul
- 20 Wellstone and Pete Domenici Mental Health Parity and
- 21 Addiction Equity Act of 2008 and relevant Interim
- 22 Final Rules;



- 1           (2) Review the provisions in national health care reform  
2           laws and regulations that affect behavioral health  
3           care, including:
- 4           (A) Provisions that interact with the Mental Health  
5           Parity and Addiction Equity Act of 2008;
- 6           (B) Provisions that address the issue of behavioral  
7           health provider shortage by providing for the  
8           establishment of grant programs to train and  
9           educate such providers;
- 10          (C) Provisions that address the issue of  
11          affordability and lack of coordination of  
12          behavioral health care through the establishment  
13          of federally qualified behavioral health centers  
14          and co-location of primary and specialty care  
15          services with behavioral health services; and
- 16          (D) Provisions that address research needs in  
17          specialty areas of mental health care, such as  
18          authorizing studies on postpartum depression;
- 19          (3) Determine the State's role and responsibilities in  
20          implementing the Mental Health Parity and Addiction  
21          Equity Act of 2008; and



- 1           (4) Based on information reviewed or determined pursuant  
2           to paragraphs (1) through (3), examine and make  
3           recommendations regarding the addition or enhancement  
4           of various components of the State's mental health and  
5           substance abuse parity laws, including:
- 6           (A) Coverage options, including mandatory coverage of
  - 7           mental illnesses and substance abuse;
  - 8           (B) Definitions of covered conditions and other terms
  - 9           necessary to implement the State's parity laws;
  - 10          (C) Individual and small group plans;
  - 11          (D) Financial and durational limits on treatment;
  - 12          (E) Determination of medical necessity;
  - 13          (F) Managed care;
  - 14          (G) Out-of-network coverage;
  - 15          (H) Adequacy of network provider panels;
  - 16          (I) Prescription medications;
  - 17          (J) Specific services for serious mental illness;
  - 18          (K) Oversight of implementation; and
  - 19          (L) Independent external review of claims.
- 20          (c) The legislative reference bureau shall assist the  
21          working group in drafting any appropriate legislation.



1 (d) The working group shall submit to the legislature a  
2 report of its findings and recommendations, including proposed  
3 legislation, no later than twenty days prior to the convening of  
4 the regular session of 2013 and shall dissolve on June 30, 2013.

5 SECTION 3. This Act shall take effect upon its approval.

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**Report Title:**

Mental Health and Substance Abuse Parity; Working Group

**Description:**

Requires the director of health to convene a mental health and substance abuse parity working group to determine how the State can come into compliance with federal mental health and substance abuse parity laws and regulations and enhance existing state parity laws. (SD1)

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

