

JAN 21 2011

A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR BRAIN INJURIES.

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

1 SECTION 1. The legislature finds that traumatic brain
2 injury is damage to the brain caused by an external force.
3 Traumatic brain injury may produce a diminished or altered state
4 of consciousness and may result in an impairment of cognitive
5 abilities or physical functioning.

6 The legislature also finds that traumatic brain injury is a
7 leading cause of death and disability among children and young
8 adults. However, survivors of traumatic brain injury can lead
9 full lives, thanks to lifesaving medical techniques and
10 rehabilitation services. However, survivors face a long
11 rehabilitation process that may not be covered by certain health
12 benefit plans.

13 The purpose of this Act is to require insurers, hospital
14 and medical services plans, and health maintenance organizations
15 to provide coverage for survivors of brain injuries, including
16 cognitive and neurocognitive therapy, neurobehavioral and
17 neuropsychological testing or treatment, and necessary post-
18 acute transition services or community reintegration activities.



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

4 "§431:10A- Cognitive rehabilitation therapy; notice.

5 (a) Notwithstanding any other law to the contrary, each
6 individual and group hospital or medical service plan, policy,
7 contract, or agreement issued or renewed in this State after
8 December 31, 2011, shall provide the following therapy and
9 services, as a result of and related to an acquired brain
10 injury, for the member and individuals covered under the
11 individual and group hospital or medical service plan, policy,
12 contract, or agreement:

- 13 (1) Cognitive rehabilitation therapy;
- 14 (2) Cognitive communication therapy;
- 15 (3) Neurocognitive therapy and rehabilitation;
- 16 (4) Neurobehavioral, neurophysiological,
17 neuropsychological, and psychophysiological testing or
18 treatment;
- 19 (5) Neurofeedback therapy;
- 20 (6) Remediation; and
- 21 (7) Any necessary post-acute transition services or
22 community reintegration services.



1 (b) Coverage required under this section may be subject to
2 deductibles, copayments, coinsurance, or annual or maximum
3 payment limits that are consistent with deductibles, copayments,
4 coinsurance, and annual or maximum payment limits applicable to
5 other similar coverage under the policy, contract, plan, or
6 agreement.

7 (c) Every insurer shall provide notice to its
8 policyholders regarding the coverage required by this section.
9 Notice shall be in writing and in literature or correspondence
10 sent to policyholders beginning with calendar year 2011 along
11 with any other mailing to policyholders, but in no case later
12 than December 31, 2011."

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

16 "§432- Cognitive rehabilitation therapy; notice. (a)
17 Notwithstanding any other law to the contrary, each individual
18 and group hospital or medical service plan, policy, contract, or
19 agreement issued or renewed in this State after December 31,
20 2011, shall provide the following therapy and services, as a
21 result of and related to an acquired brain injury, for the



1 member and individuals covered under the individual and group
2 hospital or medical service plan, policy, contract or agreement:

3 (1) Cognitive rehabilitation therapy;

4 (2) Cognitive communication therapy;

5 (3) Neurocognitive therapy and rehabilitation;

6 (4) Neurobehavioral, neurophysiological,
7 neuropsychological, and psychophysiological testing or
8 treatment;

9 (5) Neurofeedback therapy;

10 (6) Remediation; and

11 (7) Any necessary post-acute transition services or
12 community reintegration services.

13 (b) Coverage required under this section may be subject to
14 deductibles, copayments, coinsurance, or annual or maximum
15 payment limits that are consistent with deductibles, copayments,
16 coinsurance, and annual or maximum payment limits applicable to
17 other similar coverage under the individual and group hospital
18 or medical service plan, policy, contract, or agreement.

19 (c) Every mutual benefit society shall provide notice to
20 its members regarding the coverage required by this section.

21 Notice shall be in writing and in literature or correspondence
22 sent to members beginning with calendar year 2011 along with any



1 other mailing to members, but in no case later than December 31,
2 2011."

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

5 "**§432D-23 Required provisions and benefits.**

6 Notwithstanding any provision of law to the contrary, each
7 policy, contract, plan, or agreement issued in the State after
8 January 1, 1995, by health maintenance organizations pursuant to
9 this chapter, shall include benefits provided in sections
10 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
11 116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, 431:10A-121,
12 431:10A-122, 431:10A-125, 431:10A-126, and [~~431:10A-122,~~]
13 431:10A- , and chapter 431M."

14 SECTION 5. The benefit to be provided by health
15 maintenance organizations corresponding to the benefit provided
16 under section 431:10A- , Hawaii Revised Statutes, as contained
17 in the amendment to section 432D-23, Hawaii Revised Statutes, in
18 section 4 of this Act shall take effect for all policies,
19 contracts, plans, or agreements issued in the State of Hawaii
20 after December 31, 2011.

21 SECTION 6. The department of commerce and consumer affairs
22 shall submit a report to the legislature no later than twenty



1 days prior to the convening of the 2013 regular session. The
2 report shall explain the economic impact that the expanded
3 coverage under this Act has had on affected insurers.

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

6 SECTION 8. This Act shall take effect upon its approval.

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Report Title:

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

Description:

Requires insurers, hospital and medical services plans, and health maintenance organizations to provide coverage for survivors of brain injuries, including cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities.

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

