
A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. 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- Coverage for autism spectrum disorder. (a)

5 Each policy for accident and health or sickness insurance
6 providing health care coverage shall provide coverage for the
7 diagnosis and treatment of autism spectrum disorders for covered
8 individuals under the age of twenty-one years, including:

9 (1) Well-baby and well-child screening for diagnosing the
10 presence of an autism spectrum disorder; and

11 (2) Treatment of an autism spectrum disorder through
12 speech therapy, occupational therapy, and physical
13 therapy, and applied behavior analysis.

14 (b) For purposes of this section:

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



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

3 "Autism spectrum disorders" means any of the following
4 disorders as defined in the most recent edition of the
5 Diagnostic and Statistical Manual of Mental Disorders of the
6 American Psychiatric Association:

- 7 (1) Autistic disorder;
- 8 (2) Asperger's syndrome;
- 9 (3) Childhood disintegrative disorder;
- 10 (4) Rett syndrome; and
- 11 (5) Pervasive developmental disorder not otherwise
12 specified.

13 "Diagnosis" means medically necessary assessments,
14 evaluations, or tests to diagnose whether an individual has an
15 autism spectrum disorder.

16 "Medically necessary" means any care, treatment,
17 intervention, service, or item that is prescribed, provided, or
18 ordered by a licensed physician, licensed psychologist, or
19 certified registered nurse practitioner in accordance with
20 accepted standards of practice that will, or is reasonably
21 expected to, do any of the following:



- 1 (1) Prevent the onset of an illness, condition, injury, or
2 disability;
- 3 (2) Reduce or ameliorate the physical, mental, or
4 developmental effects of an illness, condition,
5 injury, or disability; or
- 6 (3) Assist to achieve or maintain maximum functional
7 capacity of the recipient and those functional
8 capacities that are appropriate or recipients of the
9 same age.

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

- 15 (1) Psychiatric care;
- 16 (2) Psychological care;
- 17 (3) Rehabilitative care;
- 18 (4) Therapeutic care;
- 19 (5) Pharmacy care; or
- 20 (6) Any care, treatment, intervention, service or item for
21 individuals with an autism spectrum disorder that is
22 determined by the department of health, based upon its



1 review of best practices or evidence-based research,
2 to be medically necessary."

3 SECTION 2. Chapter 432:1, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§432:1- Coverage for autism spectrum disorder. (a)

7 All individual and group hospital and medical service contracts
8 providing health care coverage shall provide coverage for the
9 diagnosis and treatment of autism spectrum disorders for covered
10 individuals under the age of twenty-one years, including:

11 (1) Well-baby and well-child screening for diagnosing the
12 presence of an autism spectrum disorder; and

13 (2) Treatment of an autism spectrum disorder through
14 speech therapy, occupational therapy, and physical
15 therapy, and applied behavior analysis.

16 (b) For purposes of this section:

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



1 "Autism spectrum disorders" means any of the following
2 disorders as defined in the most recent edition of the
3 Diagnostic and Statistical Manual of Mental Disorders of the
4 American Psychiatric Association:

- 5 (1) Autistic disorder;
- 6 (2) Asperger's syndrome;
- 7 (3) Childhood disintegrative disorder;
- 8 (4) Rett syndrome; and
- 9 (5) Pervasive developmental disorder not otherwise
10 specified.

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

14 "Medically necessary" means any care, treatment,
15 intervention, service, or item that is prescribed, provided, or
16 ordered by a licensed physician, licensed psychologist, or
17 certified registered nurse practitioner in accordance with
18 accepted standards of practice that will, or is reasonably
19 expected to, do any of the following:

- 20 (1) Prevent the onset of an illness, condition, injury, or
21 disability;



- 1 (2) Reduce or ameliorate the physical, mental, or
- 2 developmental effects of an illness, condition,
- 3 injury, or disability; or
- 4 (3) Assist to achieve or maintain maximum functional
- 5 capacity of the recipient and those functional
- 6 capacities that are appropriate or recipients of the
- 7 same age.

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

- 13 (1) Psychiatric care;
- 14 (2) Psychological care;
- 15 (3) Rehabilitative care;
- 16 (4) Therapeutic care;
- 17 (5) Pharmacy care; or
- 18 (6) Any care, treatment, intervention, service or item for
- 19 individuals with an autism spectrum disorder that is
- 20 determined by the department of health, based upon its
- 21 review of best practices or evidence-based research,
- 22 to be medically necessary."



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

3 "§432D-23 Required provisions and benefits.

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

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2012.

15

INTRODUCED BY:

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H.B. NO. 2074

Report Title:

Insurance; Autism Spectrum Disorders

Description:

Mandates health insurance coverage for the diagnosis and treatment of autism spectrum disorders under accident and health or sickness insurance and group hospital and medical services contracts and health maintenance organizations.

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