
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, the 2009 poll showed that seventy-three per cent
6 of Americans support the idea of including alcohol and drug
7 addiction treatment as part of national health care reform to
8 make treatment more accessible and affordable. The legislature
9 finds that despite widespread concern and support across
10 America, treatment for behavioral health disorders continues to
11 be costlier and more difficult to obtain than general medical
12 care. Different financial limits and cost-sharing requirements,
13 limits on coverage, providers, types, and duration of treatment
14 and other health coverage provisions constrain the level and
15 quality of insured health care that is available to those with
16 behavioral health issues.

17 Pursuant to the United States Department of the Treasury's
18 interim final rules pertaining to the Paul Wellstone and Pete



1 Domenici Mental Health Parity and Addiction Equity Act of 2008,
2 group health plans may not impose greater restrictions on mental
3 health and substance abuse disorders than on medical or surgical
4 benefits. The legislature finds that while the interim final
5 rules require action by the State to ensure compliance, the
6 State also has the option to enact and implement parity laws
7 that are even more comprehensive than what is required for
8 federal compliance.

9 The purpose of this Act is to convene a mental health and
10 substance abuse parity working group to determine how the State
11 will effectuate compliance with federal mental health and
12 substance abuse parity laws and regulations and enhance the
13 State's own existing parity laws.

14 SECTION 2. (a) The director of health shall convene a
15 mental health and substance abuse parity working group which
16 shall work in conjunction with the governor's health care
17 transformation coordinator to carry out the purpose of this Act.
18 Members of the working group shall not be subject to chapter 84,
19 Hawaii Revised Statutes, solely due to the member's
20 participation in the working group. The working group shall
21 consist of eleven members as follows:

22 (1) One member appointed by the governor;



- 1 (2) One member appointed by the president of the senate;
- 2 (3) One member appointed by the speaker of the house of
3 representatives;
- 4 (4) One member appointed by the attorney general;
- 5 (5) One member appointed by the insurance commissioner;
- 6 (6) One member appointed by the alcohol and drug abuse
7 division of the department of health;
- 8 (7) One member appointed by the adult mental health
9 division of the department of health;
- 10 (8) One member who shall be a representative of the Hawaii
11 Substance Abuse Coalition;
- 12 (9) One member who shall be a representative from a mental
13 health advocacy and support organization;
- 14 (10) One member who shall be a representative from a
15 clinical service organization; and
- 16 (11) One member who shall be a representative of a health
17 insurance provider, regulated under chapter 431,
18 article 10A, Hawaii Revised Statutes, or chapter 432,
19 article I, Hawaii Revised Statutes, or a managed care
20 provider, such as a health maintenance organization,
21 regulated under chapter 432D, Hawaii Revised Statutes.
- 22 (b) The duties of the working group shall be to:



- 1 (1) Review special reports of the United States Department
2 of the Treasury, and updates to the special reports,
3 that provide an analysis of the Paul Wellstone and
4 Pete Domenici Mental Health Parity and Addiction
5 Equity Act of 2008 and relevant interim final rules
6 issued to implement the requirements of that Act;
- 7 (2) Review the provisions in national health care reform
8 laws and regulations that affect behavioral health
9 care, including:
- 10 (A) Provisions that interact with the Paul Wellstone
11 and Pete Domenici Mental Health Parity and
12 Addiction Equity Act of 2008;
- 13 (B) Provisions that address the issue of behavioral
14 health provider shortages by providing for the
15 establishment of grant programs to train and
16 educate such providers;
- 17 (C) Provisions that address the issue of
18 affordability and lack of coordination of
19 behavioral health care through the establishment
20 of federally qualified behavioral health centers
21 and co-location of primary and specialty care
22 services with behavioral health services; and



- 1 (D) Provisions that address research needs in
2 specialty areas of mental health care, such as
3 authorizing studies on postpartum depression;
- 4 (3) Determine the State's role and responsibilities in
5 implementing the Paul Wellstone and Pete Domenici
6 Mental Health Parity and Addiction Equity Act of 2008;
7 and
- 8 (4) Based on information reviewed or determined pursuant
9 to paragraphs (1) through (3), examine and make
10 recommendations regarding the addition or enhancement
11 of various components of the State's mental health and
12 substance abuse parity laws, including:
- 13 (A) Coverage options, including mandatory coverage of
14 mental illnesses and substance abuse;
- 15 (B) Definitions of covered conditions and other terms
16 necessary to implement the State's parity laws;
- 17 (C) Regulation of individual and small group plans;
- 18 (D) Financial and durational limits on treatment;
- 19 (E) Determination of medical necessity;
- 20 (F) Regulation of managed care;
- 21 (G) Regulation of out-of-network coverage;
- 22 (H) Adequacy of network provider panels;



- 1 (I) Regulation of prescription medications;
- 2 (J) Provision of specific services for serious mental
- 3 illness;
- 4 (K) Oversight of implementation;
- 5 (L) Independent external review of claims; and
- 6 (M) Prevention and de-stigmatization of mental health
- 7 and substance abuse issues.

8 (c) The legislative reference bureau shall assist the
9 working group in drafting any proposed legislation; provided
10 that the working group shall submit a draft of its proposed
11 legislation to the legislative reference bureau no later than
12 November 1, 2013.

13 (d) The working group shall submit to the legislature a
14 report of its findings and recommendations, including proposed
15 legislation, on state compliance with federal law relating to
16 mental health and substance abuse parity, including the Paul
17 Wellstone and Pete Domenici Mental Health Parity and Addiction
18 Equality Act of 2008, at least twenty days prior to the regular
19 session of 2014 and shall dissolve on June 30, 2014.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for fiscal year 2012-2013 to fund

1 the operations of the mental health and substance abuse parity
2 working group.

3 The sum appropriated shall be expended by the department of
4 health for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2050;
6 provided that section 3 of this Act shall take effect on July 1,
7 2012.



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 comply with federal mental health and substance abuse parity laws and regulations and enhance existing state parity laws. Requires the working group to submit a report to the Legislature at least twenty days prior to the Regular Session of 2014, and to submit a draft of any proposed legislation to the Legislative Reference Bureau no later than November 1, 2013. Appropriates funds. Effective July 1, 2050. (HB2406 HD1)

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