

Honolulu, Hawaii  
**February 15**, 2013RE: H.B. No. 721  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 721 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to require health insurers, mutual benefit societies, and health maintenance organizations to provide health care coverage and benefits for autism spectrum disorders beginning after December 31, 2013.

The State Council on Developmental Disabilities, Autism Speaks, Hawaii Autism Foundation, Autism Society of Hawaii, Special Education Advisory Council, Community Children's Councils, Hawaii Medical Association, and numerous individuals testified in support of this measure. An individual testified in support with amendments to this measure. The Hawaii Association of Health Plans testified in opposition to this measure. The Department of Commerce and Consumer Affairs, Department of Budget and Finance, Department of Health, Hawaii Medical Service Association, American Council of Life Insurers, and two individuals provided comments on this measure.

Your Committee has amended this measure by:

- (1) Specifying that this Act shall be known and may be cited as "Luke's Law";



- (2) Specifying that the bill is intended to require only health insurers to provide coverage for autism spectrum disorders and not insurers issuing limited benefit health insurance contracts;
- (3) Amending the definition of "autism spectrum disorders" to mean any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders;
- (4) Amending the definition of "behavioral health treatment" to include behavior analysis that is provided or supervised by a Board Certified Behavior Analyst or by a licensed psychologist;
- (5) Clarifying that the \$50,000 maximum benefit coverage is for behavioral health treatment;
- (6) Specifying that autism spectrum disorders benefits coverage is subject to copayment, deductible, and coinsurance provisions of a health insurance policy that are no less favorable than the copayment, deductible, and coinsurance provisions for other medical services covered by the policy;
- (7) Adding language to specify that an individual diagnosed as having a pervasive developmental disorder or autism spectrum disorder according to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders at the time of diagnosis shall not be required to undergo repeat evaluation upon publication of the subsequent edition;
- (8) Changing the effective date of the measure to July 1, 2112, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purpose of clarity, consistency, and style.

Your Committee notes that the average fiscal impact across five of the early adopting states with this legislation is thirty-one cents per month for each member of the plan and can prevent persons with autism spectrum disorders from becoming permanent wards of the state.



Your Committee respectfully requests that the Committee on Finance, should they consider this measure, look at the recommendations offered by the Special Education Advisory Council, including:

- (1) The screening for autism spectrum disorders, including well-baby and well-child screening to ensure that services are offered as early as possible;
- (2) Offering family counseling and training as one of the components of care in the treatment for autism spectrum disorders; and
- (3) The addition of an evidence-based requirement to the definition of "behavioral health treatment".

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 721, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 721, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



