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## 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. Nonetheless, survivors of traumatic brain injury can  
9 lead 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 accident and health or sickness insurance  
7 plan, policy, contract, or agreement issued or renewed in this  
8 State after December 31, 2014, shall provide the following  
9 therapy and services, as a result of and related to an acquired  
10 brain injury, for the member and individuals covered under the  
11 individual and group accident and health or sickness insurance  
12 plan, policy, 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 provided that the therapies and services required under this  
2 section shall be covered for up to twenty years from the date  
3 the acquired brain injury occurred; provided further that no  
4 insurance provider shall be required to pay more than \$300,000  
5 for therapies and services provided under this section per  
6 insured unless the insurance plan, policy, contract, or  
7 agreement states otherwise.

8 (b) Coverage required under this section may be subject to  
9 deductibles, copayments, coinsurance, or annual or maximum  
10 payment limits that are consistent with deductibles, copayments,  
11 coinsurance, and annual or maximum payment limits applicable to  
12 other similar coverage under the policy, contract, plan, or  
13 agreement.

14 (c) Every insurer shall provide notice to its  
15 policyholders regarding the coverage required by this section.  
16 Notice shall be in writing and in literature or correspondence  
17 sent to policyholders beginning with calendar year 2014 along  
18 with any other mailing to policyholders, but in no case later  
19 than December 31, 2014."

20 SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
21 amended by adding a new section to article 1 to be appropriately  
22 designated and to read as follows:



1           "§432:1-           Cognitive rehabilitation therapy; notice. (a)

2 Notwithstanding any other law to the contrary, each individual  
3 and group hospital or medical service plan, policy, contract, or  
4 agreement issued or renewed in this State after December 31,  
5 2014, shall provide the following therapy and services, as a  
6 result of and related to an acquired brain injury, for the  
7 member and individuals covered under the individual and group  
8 hospital or medical service plan, policy, contract or agreement:

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

19 provided that the therapies and services required under this  
20 section shall be covered for up to twenty years from the date  
21 the acquired brain injury occurred; provided further that no  
22 insurance provider shall be required to pay more than \$300,000



1 for therapies and services provided under this section per  
2 member unless the insurance plan, policy, contract, or agreement  
3 states otherwise.

4 (b) Coverage required under this section may be subject to  
5 deductibles, copayments, coinsurance, or annual or maximum  
6 payment limits that are consistent with deductibles, copayments,  
7 coinsurance, and annual or maximum payment limits applicable to  
8 other similar coverage under the individual and group hospital  
9 or medical service plan, policy, contract, or agreement.

10 (c) Every mutual benefit society shall provide notice to  
11 its members regarding the coverage required by this section.  
12 Notice shall be in writing and in literature or correspondence  
13 sent to members beginning with calendar year 2014 along with any  
14 other mailing to members, but in no case later than December 31,  
15 2014."

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

18 **"§432D-23 Required provisions and benefits.**

19 Notwithstanding any provision of law to the contrary, each  
20 policy, contract, plan, or agreement issued in the State after  
21 January 1, 1995, by health maintenance organizations pursuant to  
22 this chapter, shall include benefits provided in sections



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1 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
 2 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
 3 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, [~~431:10A-~~  
 4 ~~122, and 431:10A-116.2,~~] and 431:10A-\_\_\_\_\_, and chapter 431M."

5 SECTION 5. The benefit to be provided by health  
 6 maintenance organizations corresponding to the benefit provided  
 7 under section 431:10A-\_\_\_\_\_, Hawaii Revised Statutes, as contained  
 8 in the amendment to section 432D-23, Hawaii Revised Statutes, in  
 9 section 4 of this Act shall take effect for all policies,  
 10 contracts, plans, or agreements issued in the State after  
 11 December 31, 2014.

12 SECTION 6. The department of commerce and consumer affairs  
 13 shall submit a report to the legislature no later than twenty  
 14 days prior to the convening of the regular session of 2016. The  
 15 report shall explain the economic impact that the expanded  
 16 coverage under this Act has had on affected insurers.

17 SECTION 7. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*John M. Mesro (BR)*  
 JAN 17 2014



# H.B. NO. 1838

**Report Title:**

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

**Description:**

Requires certain insurance contracts and plans to provide coverage beginning 1/1/2015 for treatment of brain injuries, including cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities for a period of at least 20 years from the date the injury occurred and up to a lifetime cap per person of \$300,000.

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