
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 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, including outpatient



1 day treatment services, or other post-acute care
2 treatment services;
3 provided that the therapies and services required under this
4 section shall be covered for up to twenty years from the date
5 the acquired brain injury occurred; provided further that no
6 insurance provider shall be required to pay more than \$300,000
7 for therapies and services provided under this section per
8 insured unless the insurance plan, policy, contract, or
9 agreement states otherwise.

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

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



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

4 "§432:1- Cognitive rehabilitation therapy; notice. (a)

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

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



1 day treatment services, or other post-acute care
2 treatment services;
3 provided that the therapies and services required under this
4 section shall be covered for up to twenty years from the date
5 the acquired brain injury occurred; provided further that no
6 insurance provider shall be required to pay more than \$300,000
7 for therapies and services provided under this section per
8 member unless the insurance plan, policy, contract, or agreement
9 states otherwise.

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

16 (c) Every mutual benefit society shall provide notice to
17 its members regarding the coverage required by this section.
18 Notice shall be in writing and in literature or correspondence
19 sent to members beginning with calendar year 2014 along with any
20 other mailing to members, but in no case later than December 31,
21 2014."



1 SECTION 4. 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-
9 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
10 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, and
11 [~~431:10A-122, and 431:10A-116.2,~~] 431:10A- , and chapter 431M."

12 SECTION 5. The benefit to be provided by health
13 maintenance organizations corresponding to the benefit provided
14 under section 431:10A- , Hawaii Revised Statutes, as contained
15 in the amendment to section 432D-23, Hawaii Revised Statutes, in
16 section 4 of this Act shall take effect for all policies,
17 contracts, plans, or agreements issued in the State of Hawaii
18 after December 31, 2014.

19 SECTION 6. The auditor shall submit a report to the
20 legislature no later than twenty days prior to the convening of
21 the 2016 regular session. The report shall explain the economic



1 impact that the expanded coverage under this Act has had on
2 affected insurers.

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

5 SECTION 8. This Act shall take effect on July 1, 2050.



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 twenty years from the date the injury occurred and up to a lifetime cap per person of \$300,000. Requires auditor to conduct an economic impact study. Takes effect 7/1/2050. (SD1)

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

