

STAND. COM. REP. NO.

2246

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 2054

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Health and Commerce and Consumer Protection, to which was referred S.B. No. 2054 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for autism spectrum disorder treatments.

Your Committees received testimony in support of this measure from the Department of Health; State Council on Developmental Disabilities; Hawaiian Association for Behavior Analysis No Ka Oi, Inc.; Autism Society of Hawaii; Community Alliance for Mental Health; Hawaii Disability Rights Center; Autism Speaks; Community Children's Council of Hawaii; UNITE HERE Local 5; Hilopa'a Family to Family Health Information Center; Malama Pono Autism Center; Easter Seals Hawaii; and several individuals. Your Committees received testimony in opposition to this measure from Kaiser Permanente Hawaii. Your Committees received comments on this measure from the Department of Human Resources Development, Department of Commerce and Consumer Affairs, Office of Information Practices, Hawaii Medical Service Association, American Council of Life Insurers, The Chamber of Commerce of Hawaii, and one individual.

Your Committees find that autism spectrum disorder treatments, including applied behavior analysis, are essential and

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have the potential to change the lives of children with autism. Your Committees further find that no child with autism in Hawaii should be denied proper treatment due solely to the cost of the treatment.

Your Committees have amended this measure by:

- (1) Requiring coverage for autism spectrum disorder treatments under insurance policies, contracts, plans, or agreements that are issued or renewed in the State after July 1, 2014;
- (2) Exempting Medicaid plans from the mandatory coverage proposed by this measure;
- (3) Providing insurers with more flexibility to deliver notice of the requirements of this measure to policyholders;
- (4) Requiring the notice to policyholders to be transmitted within calendar year 2014;
- (5) Requiring the adjustment of the maximum benefit for inflation to begin after December 31, 2015;
- (6) Requiring the Insurance Commissioner to hold public meetings pursuant to section 91-3(a), Hawaii Revised Statutes, before adjusting the maximum benefit;
- (7) Requiring copayment, deductible, and coinsurance provisions of the coverage to be no less favorable than those of "substantially all" other medical services;
- (8) Allowing general discretion to all insurers to determine when to request a review of the treatment;
- (9) Excluding accident-only, specified disease, hospital indemnity, qualified health plans as defined in Section 1301 of the Patient Protection and Affordable Care Act, Medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies from the mandatory autism spectrum disorder coverage requirements;



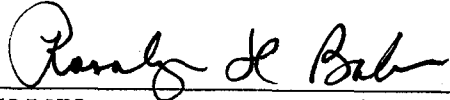
- (10) Removing references to the term "pervasive developmental disorder" and to diagnostic criteria described in the Diagnostic and Statistical Manual of Mental Disorders;
- (11) Requiring coverage for applied behavior analysis to include the services of the personnel who work under the supervision of the board certified behavior analyst or the licensed psychologist overseeing the program;
- (12) Amending the definition of "applied behavior analysis";
- (13) Adding a definition for "board certified behavior analyst";
- (14) Inserting a severability clause;
- (15) Inserting an effective date of July 1, 2014; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that board certified behavior analyst qualifications include at least a Master's degree from an accredited institution in behavior analysis or natural science, education, human services, engineering, medicine, or a field related to behavior analysis and approved by the Behavior Analyst Certification Board.

As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2054, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2054, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Health and
Commerce and Consumer
Protection,



ROSALYN H. BAKER, Chair

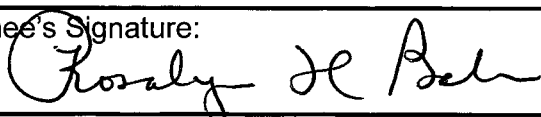


JOSH GREEN, Chair



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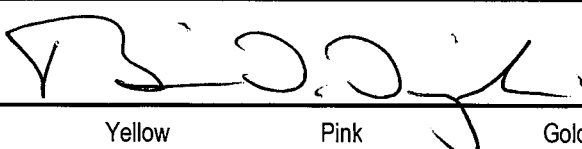
Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2054	HTH/CPN, WAM	1/28/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam			✓	
TOTAL	3	-	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2054	Committee Referral: HTH/CPN, WAM	Date: 1/28/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
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Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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