

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 668
S.D. 2
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 S.B. No. 668, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to ensure the provision of quality health care for all Hawaii residents by requiring coverage of treatment for autism spectrum disorders.

More specifically, this measure:

- (1) Requires each individual or group accident and health or sickness insurance policy, contract, plan, or agreement; hospital or medical service plan policy, contract, or agreement; and health maintenance organization policy, contract, plan, or agreement issued or renewed in the State after December 31, 2013, to cover screening, diagnosis, and treatment for autism spectrum disorders for persons under age twenty-six;
- (2) Limits required coverage for behavioral health treatments to a maximum annual amount of \$50,000 and a maximum lifetime amount of \$300,000; and



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- (3) Specifies that the covered treatments for autism spectrum disorders include behavioral health treatment, applied behavior analysis, pharmacy care, psychiatric care, psychological care, and therapeutic care.

UNITE HERE, Local 5; Special Education Advisory Council; Hawaii Medical Association; Community Children's Council of Hawaii; Hawaii Disability Rights Center; Autism Speaks; Hawaii Autism Foundation; and numerous individuals testified in support of this measure. The State Council on Developmental Disabilities testified in support of the intent of this measure. An individual testified in support of this measure with amendments. The Department of Human Services, Hawaii Association of Health Plans, Kaiser Permanente and The Chamber of Commerce of Hawaii testified in opposition to this measure. The Department of Commerce and Consumer Affairs, Department of Health, Department of Budget and Finance, Hawaii Medical Service Association, and an individual provided comments on this measure.

Your Committee has amended this measure by:

- (1) Specifying that the Act proposed by this measure shall be known and may be cited as "Luke's Law";
- (2) Changing the date upon which each individual or group accident and health or sickness insurance policy, contract, plan, or agreement; hospital or medical service plan policy, contract, or agreement; and health maintenance organization policy, contract, plan, or agreement issued or renewed in the State shall provide coverage of treatment for autism spectrum disorders to an unspecified date;
- (3) Specifying that required coverage of treatment for autism spectrum disorders is for persons under age twenty-one;
- (4) Clarifying that well-baby and well-child screening shall be included in the coverage for the treatment of autism spectrum disorders;
- (5) Specifying that the Insurance Commissioner may post notice of and hold a public meeting before adjusting the maximum benefit;



- (6) Clarifying that an insurer may request a review of treatment not more than once every twelve months unless the insurer and licensed physician, psychiatrist, psychologist, clinical social worker, or registered nurse practitioner agree that a more frequent review is necessary;
- (7) Requiring that insurers include in their network of approved service providers only those providers who have cleared criminal background checks as determined by the insurer;
- (8) Clarifying that behavioral health treatment means evidence based counseling and treatment programs;
- (9) Including services provided by licensed social workers and licensed clinical social workers in the definition of "therapeutic care";
- (10) Including licensed clinical social worker in the definition of "treatment for autism spectrum disorders";
- (11) Changing the effective date to July 1, 2112; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 668, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 668, S.D. 2, 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,



ANGUS L.K. MCKELVEY, Chair



