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## A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 431, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I of article 10A to be  
3 appropriately designated and to read as follows:

4           "§431:10A-           Coverage for eating disorders. (a) Each  
5 individual or group accident and health or sickness insurance  
6 policy issued or renewed in this State after December 31, 2016,  
7 shall provide coverage for the diagnosis and treatment of eating  
8 disorders.

9           (b) Every insurer shall provide written notice to its  
10 policyholders regarding the coverage required by this section.  
11 The notice shall be in writing and prominently positioned in any  
12 literature or correspondence sent to policyholders and shall be  
13 transmitted to policyholders within calendar year 2017 when  
14 annual information is made available to policyholders or in any  
15 other mailing to policyholders, but in no case later than  
16 December 31, 2017.



1        (c) Coverage provided under this section shall be limited  
2 to medically necessary treatment that is provided by a licensed  
3 treating physician, psychiatrist, psychologist, professional  
4 counselor, clinical social worker, or marital and family  
5 therapist pursuant to the powers granted under that person's  
6 license and acting within their applicable scope of coverage, in  
7 accordance with a treatment plan.

8        (d) The treatment plan under subsection (c), upon request  
9 by the insurer, shall include all elements necessary for the  
10 insurer to pay claims. Those elements include, but are not  
11 limited to, a diagnosis; proposed treatment by type, frequency,  
12 and duration of treatment; and goals.

13        (e) Coverage of the treatment of eating disorders may be  
14 subject to other general exclusions and limitations of the  
15 policy not in conflict with this section, including, but not  
16 limited to, the coordination of benefits, and utilization review  
17 of health care services, which includes reviews of medical  
18 necessity and care management. Medical necessity determinations  
19 and care management for the treatment of eating disorders shall  
20 consider the overall medical and mental health needs of the  
21 individual with an eating disorder, shall not be based solely on



1 weight, and shall take into consideration the most recent  
2 Practice Guideline for the Treatment of Patients with Eating  
3 Disorders adopted by the American Psychiatric Association in  
4 addition to current standards based upon the medical literature  
5 generally recognized as authoritative in the medical community.

6 (f) As used in this section:

7 (1) "Eating disorder" includes pica, rumination disorder,  
8 avoidant or restrictive food intake disorder, anorexia  
9 nervosa, bulimia nervosa, binge eating disorder, any  
10 other specified feeding or eating disorder, and any  
11 other eating disorder contained in the most recent  
12 version of the Diagnostic and Statistical Manual of  
13 Mental Disorders published by the American Psychiatric  
14 Association where diagnosed by a physician,  
15 psychiatrist, psychologist, clinical social worker,  
16 marital and family therapist, or professional  
17 counselor duly licensed in the state where that person  
18 practices;

19 (2) "Medical care" means health care services needed to  
20 diagnose, prevent, treat, cure, or relieve physical  
21 manifestations of an eating disorder, and shall



1 include inpatient hospitalization, partial  
2 hospitalization, residential care, intensive  
3 outpatient treatment, follow-up outpatient care, and  
4 counseling;

5 (3) "Pharmacy care" means medications prescribed by a  
6 licensed physician for an eating disorder and includes  
7 any health-related services deemed medically necessary  
8 to determine the need or effectiveness of the  
9 medications, but only to the extent that the  
10 medications are included in the insurance policy;

11 (4) "Psychiatric care" and "psychological care" mean  
12 direct or consultative services provided during  
13 inpatient hospitalization, partial hospitalization,  
14 residential care, intensive outpatient treatment,  
15 follow-up outpatient care, and counseling provided by  
16 a psychiatrist or psychologist licensed in the state  
17 of practice;

18 (5) "Therapy" means medical care, pharmacy care,  
19 psychiatric care, psychological care, and behavioral  
20 interventions provided by a physician, psychiatrist,  
21 psychologist, professional counselor, licensed



1           clinical social worker, or marital and family  
2           therapist, as applicable, where that person is  
3           licensed in the state where that person practices; and  
4       (6) "Treatment of eating disorders" means therapy provided  
5           by a licensed treating physician, psychiatrist,  
6           psychologist, professional counselor, clinical social  
7           worker, or marital and family therapist pursuant to  
8           the powers granted under that person's license in the  
9           state where that person practices for an individual  
10           diagnosed with an eating disorder."

11           SECTION 2. Chapter 432, Hawaii Revised Statutes, is  
12 amended by adding a new section to part VI of article 1 to be  
13 appropriately designated and to read as follows:

14           "§432:1       Coverage for eating disorders. (a) Each  
15 individual or group hospital or medical service plan contract  
16 issued or renewed in this State after December 31, 2016, shall  
17 provide coverage for the diagnosis and treatment of eating  
18 disorders.

19           (b) Every mutual benefit society shall provide written  
20 notice to its members regarding the coverage required by this  
21 section. The notice shall be in writing and prominently



1 positioned in any literature or correspondence sent to members  
2 and shall be transmitted to members within calendar year 2017  
3 when annual information is made available to members or in any  
4 other mailing to members, but in no case later than December 31,  
5 2017.

6 (c) Coverage provided under this section shall be limited  
7 to medically necessary treatment that is provided by a licensed  
8 treating physician, psychiatrist, psychologist, professional  
9 counselor, clinical social worker, or marital and family  
10 therapist pursuant to the powers granted under that person's  
11 license and acting within their applicable scope of coverage, in  
12 accordance with a treatment plan.

13 (d) The treatment plan under subsection (c), upon request  
14 by the mutual benefit society, shall include all elements  
15 necessary for the mutual benefit society to pay claims. Those  
16 elements include, but are not limited to, a diagnosis; proposed  
17 treatment by type, frequency, and duration of treatment; and  
18 goals.

19 (e) Coverage of the treatment of eating disorders may be  
20 subject to other general exclusions and limitations of the plan  
21 contract not in conflict with this section, including, but not



1 limited to, the coordination of benefits, and utilization review  
2 of health care services, which includes reviews of medical  
3 necessity and care management. Medical necessity determinations  
4 and care management for the treatment of eating disorders shall  
5 consider the overall medical and mental health needs of the  
6 individual with an eating disorder, shall not be based solely on  
7 weight, and shall take into consideration the most recent  
8 Practice Guideline for the Treatment of Patients with Eating  
9 Disorders adopted by the American Psychiatric Association in  
10 addition to current standards based upon the medical literature  
11 generally recognized as authoritative in the medical community.

12 (f) As used in this section:

13 (1) "Eating disorder" includes pica, rumination disorder,  
14 avoidant or restrictive food intake disorder, anorexia  
15 nervosa, bulimia nervosa, binge eating disorder, any  
16 other specified feeding or eating disorder, and any  
17 other eating disorder contained in the most recent  
18 version of the Diagnostic and Statistical Manual of  
19 Mental Disorders published by the American Psychiatric  
20 Association where diagnosed by a physician,  
21 psychiatrist, psychologist, clinical social worker,



1 marital and family therapist, or professional  
2 counselor duly licensed in the state where that person  
3 practices;

4 (2) "Medical care" means health care services needed to  
5 diagnose, prevent, treat, cure, or relieve physical  
6 manifestations of an eating disorder, and shall  
7 include inpatient hospitalization, partial  
8 hospitalization, residential care, intensive  
9 outpatient treatment, follow-up outpatient care, and  
10 counseling;

11 (3) "Pharmacy care" means medications prescribed by a  
12 licensed physician for an eating disorder and includes  
13 any health-related services deemed medically necessary  
14 to determine the need or effectiveness of the  
15 medications, but only to the extent that the  
16 medications are included in the plan contract;

17 (4) "Psychiatric care" and "psychological care" mean  
18 direct or consultative services provided during  
19 inpatient hospitalization, partial hospitalization,  
20 residential care, intensive outpatient treatment,  
21 follow-up outpatient care, and counseling provided by





1           a psychiatrist or psychologist licensed in the state  
2           of practice;

3       (5) "Therapy" means medical care, pharmacy care,  
4           psychiatric care, psychological care, and behavioral  
5           interventions provided by a physician, psychiatrist,  
6           psychologist, professional counselor, licensed  
7           clinical social worker, or marital and family  
8           therapist, as applicable, where that person is  
9           licensed in the state where that person practices; and

10       (6) "Treatment of eating disorders" means therapy provided  
11           by a licensed treating physician, psychiatrist,  
12           psychologist, professional counselor, clinical social  
13           worker, or marital and family therapist pursuant to  
14           the powers granted under that person's license in the  
15           state where that person practices for an individual  
16           diagnosed with an eating disorder."

17           SECTION 3. Section 432D-23, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "§432D-23 Required provisions and benefits.

20 Notwithstanding any provision of law to the contrary, each  
21 policy, contract, plan, or agreement issued in the State after



1 January 1, 1995, by health maintenance organizations pursuant to  
2 this chapter, shall include benefits provided in sections  
3 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
4 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
5 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,  
6 431:10A-133, [and] 431:10A-140, and 431:10A-\_\_\_\_\_, and chapter  
7 431M."

8 SECTION 4. Notwithstanding section 432D-23, Hawaii Revised  
9 Statutes, the coverage and benefits to be provided by a health  
10 maintenance organization under section 3 of this Act shall begin  
11 for all policies, contracts, plans, or agreements issued or  
12 renewed in this State by a health maintenance organization after  
13 December 31, 2016.

14 SECTION 5. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



# H.B. NO. 1859

1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Richard Bryan

Cindy Evans  
John H. ...

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JAN 22 2016



# H.B. NO. 1859

**Report Title:**

Health Benefit Plans; Eating Disorders; Required Coverage

**Description:**

Requires health benefit plans to provide coverage for eating disorders.

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

