
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 further finds that traumatic brain injury
7 is a leading cause of death and disability among children and
8 young adults. While survivors of traumatic brain injury can
9 lead full lives, thanks to lifesaving medical techniques and
10 rehabilitation services, they face a long rehabilitation process
11 that may not be covered by certain health benefit plans.

12 The purpose of this Act is to require insurers, hospital
13 and medical services plans, and health maintenance organizations
14 to provide coverage for treatment for survivors of brain
15 injuries, including cognitive and neurocognitive therapy,
16 neurobehavioral and neuropsychological testing or treatment, and
17 necessary post-acute transition services or community
18 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 the
8 State after December 31, 2015, 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



1 (7) Any necessary post-acute transition services or
2 community reintegration 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 2015 along
20 with any other mailing to policyholders, but in no case later
21 than December 31, 2015.



1 (d) For the purposes of this section, "cognitive
2 rehabilitation therapy" means a service that assists an
3 individual in learning or relearning cognitive skills that have
4 been lost or altered as a result of damage to brain cells in
5 order to enable the individual to compensate for the lost
6 cognitive functions."

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

10 **"§432:1- Cognitive rehabilitation therapy; notice. (a)**
11 Notwithstanding any other law to the contrary, each individual
12 and group hospital or medical service plan, policy, contract, or
13 agreement issued or renewed in the State after December 31,
14 2015, shall provide the following therapy and services, as a
15 result of and related to an acquired brain injury, for the
16 member and individuals covered under the individual and group
17 hospital or medical service plan, policy, contract or agreement:

- 18 (1) Cognitive rehabilitation therapy;
19 (2) Cognitive communication therapy;
20 (3) Neurocognitive therapy and rehabilitation;



- 1 (4) Neurobehavioral, neurophysiological,
- 2 neuropsychological, and psychophysiological testing or
- 3 treatment;
- 4 (5) Neurofeedback therapy;
- 5 (6) Remediation; and
- 6 (7) Any necessary post-acute transition services or
- 7 community reintegration services;

8 provided that the therapies and services required under this
9 section shall be covered for up to twenty years from the date
10 the acquired brain injury occurred; provided further that no
11 insurance provider shall be required to pay more than \$300,000
12 for therapies and services provided under this section per
13 member unless the insurance plan, policy, contract, or agreement
14 states otherwise.

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



1 (c) Every mutual benefit society shall provide notice to
 2 its members regarding the coverage required by this section.
 3 Notice shall be in writing and in literature or correspondence
 4 sent to members beginning with calendar year 2015 along with any
 5 other mailing to members, but in no case later than December 31,
 6 2015.

7 (d) For the purposes of this section, "cognitive
 8 rehabilitation therapy" means a service that assists an
 9 individual in learning or relearning cognitive skills that have
 10 been lost or altered as a result of damage to brain cells in
 11 order to enable the individual to compensate for the lost
 12 cognitive functions."

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

15 **"§432D-23 Required provisions and benefits.**

16 Notwithstanding any provision of law to the contrary, each
 17 policy, contract, plan, or agreement issued in the State after
 18 January 1, 1995, by health maintenance organizations pursuant to
 19 this chapter, shall include benefits provided in sections
 20 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
 21 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,



1 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, [~~431:10A-~~
2 ~~122, and 431:10A-116.2,~~] 431:10A- , and chapter 431M."

3 SECTION 5. The benefit to be provided by health
4 maintenance organizations corresponding to the benefit provided
5 under section 431:10A- , Hawaii Revised Statutes, as contained
6 in the amendment to section 432D-23, Hawaii Revised Statutes, in
7 section 4 of this Act shall take effect for all policies,
8 contracts, plans, or agreements issued in the State of Hawaii
9 after December 31, 2015.

10 SECTION 6. The department of commerce and consumer affairs
11 shall submit a report to the legislature no later than twenty
12 days prior to the convening of the 2017 regular session. The
13 report shall explain the economic impact that the expanded
14 coverage under this Act has had on affected insurers.

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

Report Title:

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

Description:

Requires certain insurance contracts and plans to provide coverage beginning 1/1/2016 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. Defines "cognitive rehabilitation therapy". (SD1)

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