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# A BILL FOR AN ACT

RELATING TO VICTIMS OF SEXUAL VIOLENCE.

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

1           SECTION 1. The legislature finds that sexual violence is  
2 extremely prevalent. In the United States, one in six women and  
3 one in thirty-three men have experienced an attempted or  
4 completed rape in their lifetime, while one in four girls and  
5 one in six boys will be sexually abused before they turn  
6 eighteen.

7           The legislature further finds that sexual violence can have  
8 severe and lasting emotional and mental health impacts on  
9 victims. Victims of sexual assault during adulthood suffer  
10 post-traumatic stress disorder at a rate between thirty to  
11 sixty-five per cent and also experience elevated rates of  
12 depressive disorders, parasuicidal behaviors, and substance use  
13 disorders. Victims of sexual abuse during childhood are  
14 diagnosed with post-traumatic stress disorder at a rate three to  
15 five times greater than that of people who have not experienced  
16 sexual abuse, have a rate of lifetime depression of fifty-two  
17 per cent, and experience increased rates of suicide and other



1 self-harming behaviors, problems with alcohol use, eating  
2 disorders, and disruptions to developmental processes that lead  
3 to personality disorders. Consequently, many victims of sexual  
4 violence experience complex mental health issues and require  
5 clinical case management services by licensed mental health  
6 providers in addition to psychotherapy to effectively manage  
7 mental illness related to sexual violence.

8       The legislature additionally finds that it can be difficult  
9 for victims of sexual violence to obtain appropriate mental  
10 health services due to the limited availability of qualified  
11 service providers who are able to take on complex cases.  
12 Clinical case management services are not generally covered by  
13 health insurers. This creates a barrier to accessing needed  
14 services since providers may be unwilling or unable to provide  
15 clinical case management services, which are often an  
16 unreimbursed expense, or to take on patients who require these  
17 services.

18       The purpose of this Act is to improve mental health service  
19 availability for victims of sexual violence by requiring that  
20 health insurance cover appropriate, related case management



1 services by licensed mental health providers for victims of  
2 sexual violence who suffer from mental illness.

3 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is  
4 amended by adding three new definitions to be appropriately  
5 inserted and to read as follows:

6 "Case management" means professional intervention  
7 conducted by a licensed mental health provider that identifies  
8 needs and assists in obtaining coordinated, appropriate services  
9 and resources for a victim of sexual violence. "Case  
10 management" includes:

- 11 (1) Coordinating with other health care providers,
- 12 including behavioral and mental health care providers;
- 13 and
- 14 (2) Assisting victims of sexual violence to obtain
- 15 appropriate government program entitlements, access
- 16 insurance coverage, and obtain other appropriate
- 17 programs and services offered by government agencies
- 18 and community organizations.

19 "Licensed mental health provider" means a:

- 20 (1) Physician;
- 21 (2) Licensed mental health counselor;



- 1        (3) Licensed marriage and family therapist;  
2        (4) Licensed clinical social worker;  
3        (5) Psychologist; or  
4        (6) Licensed dietician treating eating disorders,  
5 who holds a current and unencumbered license to practice or is  
6 exempt from licensure requirements in this State.

7        "Victim of sexual violence" means an individual who suffers  
8 from mental illness caused, in whole or in part, by sexual  
9 violence."

10        SECTION 3. Section 431M-2, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12        "(a) All individual and group accident and health or  
13 sickness insurance policies issued in this State, individual or  
14 group hospital or medical service plan contracts, and nonprofit  
15 mutual benefit society, fraternal benefit society, and health  
16 maintenance organization health plan contracts shall include  
17 within their hospital and medical coverage the benefits of  
18 alcohol use disorder, substance use disorder, and mental health  
19 treatment services, including services for alcohol dependence  
20 and drug dependence [7] and case management services for victims  
21 of sexual violence, except that this section shall not apply to



1 insurance policies that are issued solely for single diseases,  
2 or otherwise limited, specialized coverage."

3 SECTION 4. Section 431M-4, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) Mental illness benefits.

6 (1) Covered benefits for mental health services set forth  
7 in this subsection shall be limited to coverage for  
8 diagnosis and treatment of mental disorders. All  
9 mental health services shall be provided under an  
10 individualized treatment plan approved by a physician,  
11 psychologist, licensed clinical social worker,  
12 licensed marriage and family therapist, licensed  
13 mental health counselor, advanced practice registered  
14 nurse, or licensed dietitian treating eating  
15 disorders, and must be reasonably expected to improve  
16 the patient's condition. An individualized treatment  
17 plan approved by a licensed clinical social worker,  
18 licensed marriage and family therapist, licensed  
19 mental health counselor, advanced practice registered  
20 nurse, or a licensed dietitian treating eating  
21 disorders, for a patient already under the care or



- 1 treatment of a physician or psychologist shall be done  
2 in consultation with the physician or psychologist;
- 3 (2) In-hospital and nonhospital residential mental health  
4 services as a covered benefit under this chapter shall  
5 be provided in a hospital or a nonhospital residential  
6 facility. The services to be covered shall include  
7 those services required for licensure and  
8 accreditation;
- 9 (3) Mental health partial hospitalization as a covered  
10 benefit under this chapter shall be provided by a  
11 hospital or a mental health outpatient facility. The  
12 services to be covered under this paragraph shall  
13 include those services required for licensure and  
14 accreditation; [~~and~~]
- 15 (4) Mental health outpatient services shall be a covered  
16 benefit under this chapter[~~-~~]; and
- 17 (5) Case management services by licensed mental health  
18 providers for victims of sexual violence shall be a  
19 reimbursable covered benefit under this chapter."

20 SECTION 5. Notwithstanding any other law to the contrary,  
21 the coverage and reimbursement for case management services for



1 victims of sexual violence required under this Act shall apply  
2 to all health benefits plans under chapter 87A, Hawaii Revised  
3 Statutes, issued, renewed, modified, altered, or amended on or  
4 after January 1, 2018.

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

7 SECTION 7. This Act shall take effect upon its approval  
8 and shall apply to all policies, contracts, plans, or agreements  
9 issued or renewed in the State on or after January 1, 2018.



**Report Title:**

Health Insurance; Mental Illness Benefits; Covered Services;  
Case Management Services; Victims of Sexual Violence

**Description:**

Requires health insurance coverage for case management services  
by licensed mental health providers for victims of sexual  
violence. (HB665 HD2)

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

