
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS, MUTUAL BENEFIT SOCIETIES, AND HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE COVERAGE FOR MEDICALLY NECESSARY COGNITIVE REHABILITATION THERAPY FOR SURVIVORS OF TRAUMATIC BRAIN INJURY.

1 WHEREAS, traumatic brain injury is damage to the brain, not
2 of a degenerative or congenital nature, that is caused by an
3 external force; and

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5 WHEREAS, traumatic brain injury may produce a diminished or
6 altered state of consciousness and may result in an impairment
7 of cognitive abilities or physical functioning; and

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9 WHEREAS, traumatic brain injury is a leading cause of death
10 and disability among children and young adults; and

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12 WHEREAS, survivors of traumatic brain injury can lead full
13 lives thanks to lifesaving medical techniques and rehabilitation
14 services; however, survivors face a long rehabilitation process
15 that may not be covered by certain health benefit plans; and

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17 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
18 that "[b]efore any legislative measure that mandates health
19 insurance coverage for specific health services, specific
20 diseases, or certain providers of health care services as part
21 of individual or group health insurance policies, can be
22 considered, there shall be concurrent resolutions passed
23 requesting the auditor to prepare and submit to the legislature
24 a report that assesses both the social and financial effects of
25 the proposed mandated coverage"; and

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27 WHEREAS, section 23-51, Hawaii Revised Statutes, further
28 provides that "[t]he concurrent resolutions shall designate a
29 specific legislative bill that:

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- 1 (1) Has been introduced in the legislature; and
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- 3 (2) Includes, at a minimum, information identifying the:
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- 5 (A) Specific health service, disease, or provider
- 6 that would be covered;
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- 8 (B) Extent of the coverage;
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- 10 (C) Target groups that would be covered;
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- 12 (D) Limits on utilization, if any; and
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- 14 (E) Standards of care"; and
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16 WHEREAS, section 23-52, Hawaii Revised Statutes, further
 17 specifies the minimum information required for assessing the
 18 social and financial impact of the proposed health coverage
 19 mandate in the Auditor's report; and

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 21 WHEREAS, S.B. No. 225, S.D. 1, has been introduced during
 22 the Regular Session of 2017 and mandates health insurers, mutual
 23 benefit societies, and health maintenance organizations to
 24 provide coverage for medically necessary cognitive
 25 rehabilitation therapy for survivors of traumatic brain injury,
 26 beginning January 1, 2018; and

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 28 WHEREAS, the Auditor last conducted an impact assessment
 29 report on cognitive rehabilitation in 2004, pursuant to S.C.R.
 30 No. 37 (2004); and

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 32 WHEREAS, the Auditor's Report No. 04-11 reported an
 33 inconclusive finding regarding mandated coverage for cognitive
 34 rehabilitation and noted that the Auditor's determination was
 35 "hampered by the lack of a standard definition [of cognitive
 36 rehabilitation] and more effective evidence on effective
 37 treatments. Experts and current literature support the need for
 38 more definitive scientific studies. The issue should be
 39 revisited when those studies become available."; and

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1 WHEREAS, since the Auditor's Report No. 04-11 was issued, a
2 range of studies on the treatment of traumatic brain injuries
3 have been published; and
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5 WHEREAS, the incidence of traumatic brain injury continues
6 to increase, particularly among veterans who have returned from
7 serving in combat missions overseas; and
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9 WHEREAS, the Legislature believes that a follow up analysis
10 to Auditor's Report No. 04-11 is warranted; and
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12 WHEREAS, the Legislature also believes that mandatory
13 coverage for medically necessary cognitive rehabilitation
14 therapy for survivors of traumatic brain injury, as provided in
15 S.B. No. 225, S.D. 1, Regular Session of 2017, will
16 substantially reduce illness and help survivors of traumatic
17 brain injuries in this State lead full, productive lives; now,
18 therefore,
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20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-ninth Legislature of the State of Hawaii, Regular Session
22 of 2017, the Senate concurring, that the Auditor is requested to
23 conduct an assessment, pursuant to sections 23-51 and 23-52,
24 Hawaii Revised Statutes, of the social and financial effects of
25 mandating health insurers, mutual benefit societies, and health
26 maintenance organizations to provide coverage for medically
27 necessary cognitive rehabilitation therapy for survivors of
28 traumatic brain injury effective January 1, 2018, as provided in
29 S.B. No. 225, S.D. 1, Regular Session of 2017; and
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31 BE IT FURTHER RESOLVED that the Auditor is also requested
32 to consider the wide range of studies on the treatment of
33 traumatic brain injuries that have been published since
34 Auditor's Report No. 04-11 was issued; and
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36 BE IT FURTHER RESOLVED that the Auditor is requested to
37 submit its findings and recommendations to the Legislature,
38 including any necessary implementing legislation, no later than
39 twenty days prior to the convening of the Regular Session of
40 2018; and
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H.C.R. NO. 165

1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the Auditor and the
 3 Insurance Commissioner, who in turn is requested to transmit
 4 copies to each insurer in the State that issues health insurance
 5 policies, contracts, plans, or agreements.
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OFFERED BY: Allen K. Bellotti

Andy Evans

John M. [Signature]

Chris [Signature]

[Signature]

[Signature]

Basil Kobayashi

MAR 10 2017

