
SENATE 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, cognitive rehabilitation, a systematically applied
13 set of medical and therapeutic services designed to improve
14 cognitive functioning and participation in activities that may
15 be affected by difficulties in one or more cognitive domains, is
16 central to brain injury rehabilitation; and
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18 WHEREAS, cognitive rehabilitation therapy services are
19 often provided by physicians, psychologists, physical
20 therapists, occupational therapists, and speech-language
21 pathologists; and
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23 WHEREAS, survivors of traumatic brain injury can lead full
24 lives thanks to lifesaving medical techniques and cognitive
25 rehabilitation therapy; however, survivors face a long
26 rehabilitation process that may not be covered by certain health
27 benefit plans; and



1 WHEREAS, section 23-51, Hawaii Revised Statutes, requires
2 that "[b]efore any legislative measure that mandates health
3 insurance coverage for specific health services, specific
4 diseases, or certain providers of health care services as part
5 of individual or group health insurance policies, can be
6 considered, there shall be concurrent resolutions passed
7 requesting the auditor to prepare and submit to the legislature
8 a report that assesses both the social and financial effects of
9 the proposed mandated coverage"; and

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

- 14 (1) Has been introduced in the legislature; and
- 15 (2) Includes, at a minimum, information identifying the:
 - 16 (A) Specific health service, disease, or provider
 - 17 that would be covered;
 - 18 (B) Extent of the coverage;
 - 19 (C) Target groups that would be covered;
 - 20 (D) Limits on utilization, if any; and
 - 21 (E) Standards of care"; and

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30 WHEREAS, section 23-52, Hawaii Revised Statutes, further
31 specifies the minimum information required for assessing the
32 social and financial impact of the proposed health coverage
33 mandate in the Auditor's report; and

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35 WHEREAS, S.B. No. 225, S.D. 1, has been introduced during
36 the Regular Session of 2017 and mandates health insurers, mutual
37 benefit societies, and health maintenance organizations to
38 provide coverage for medically necessary cognitive
39 rehabilitation therapy for survivors of traumatic brain injury,
40 beginning January 1, 2018; and



1 WHEREAS, the Auditor last conducted an impact assessment
2 report on cognitive rehabilitation in 2004, pursuant to S.C.R.
3 No. 37 (2004); and
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5 WHEREAS, Auditor's Report No. 04-11 reported an
6 inconclusive finding regarding mandated coverage for cognitive
7 rehabilitation and noted that the Auditor's determination was
8 "hampered by the lack of a standard definition [of cognitive
9 rehabilitation] and more effective evidence on effective
10 treatments. Experts and current literature support the need for
11 more definitive scientific studies. The issue should be
12 revisited when those studies become available."; and
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14 WHEREAS, since Auditor's Report No. 04-11 was issued, a
15 range of studies on the treatment of traumatic brain injuries
16 have been published; and
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18 WHEREAS, the incidence of traumatic brain injury continues
19 to increase, particularly among veterans who have returned from
20 serving in combat missions overseas; and
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22 WHEREAS, the Legislature believes that a follow up analysis
23 to Auditor's Report No. 04-11 is warranted; and
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25 WHEREAS, the Legislature also believes that mandatory
26 coverage for medically necessary cognitive rehabilitation
27 therapy for survivors of traumatic brain injury, as provided in
28 S.B. No. 225, S.D. 1, Regular Session of 2017, will
29 substantially reduce illness and help survivors of traumatic
30 brain injuries in this State lead full, productive lives; now,
31 therefore,
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33 BE IT RESOLVED by the Senate of the Twenty-ninth
34 Legislature of the State of Hawaii, Regular Session of 2017, the
35 House of Representatives concurring, that the Auditor is
36 requested to conduct an assessment, pursuant to sections 23-51
37 and 23-52, Hawaii Revised Statutes, of the social and financial
38 effects of mandating health insurers, mutual benefit societies,
39 and health maintenance organizations to provide coverage for
40 medically necessary cognitive rehabilitation therapy for
41 survivors of traumatic brain injury effective January 1, 2018,



1 as provided in S.B. No. 225, S.D. 1, Regular Session of 2017;
2 and
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4 BE IT FURTHER RESOLVED that the Auditor is requested to
5 consider the following definition of cognitive rehabilitation:
6 "a systematically applied set of medical and therapeutic
7 services designed to improve cognitive functioning and
8 participation in activities that may be affected by difficulties
9 in one or more cognitive domains"; and
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11 BE IT FURTHER RESOLVED that the Auditor is requested to
12 determine whether medically necessary cognitive rehabilitation
13 therapy for survivors of traumatic brain injury is a
14 rehabilitative and habilitative service for which coverage is
15 required as an essential health benefit pursuant to the federal
16 Patient Protection and Affordable Care Act; and
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18 BE IT FURTHER RESOLVED that the Auditor is also requested
19 to consider peer-reviewed research and other studies on the
20 treatment of traumatic brain injuries that have been published
21 since Auditor's Report No. 04-11 was issued, such as the
22 following:
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- 24 (1) Michel Bédard, et al., *Mindfulness-Based Cognitive*
25 *Therapy Reduces Symptoms of Depression in People With*
26 *a Traumatic Brain Injury: Results From a Randomized*
27 *Controlled Trial*, *Journal of Head Trauma*
28 *Rehabilitation*, vol. 29, no. 4, 2014, pp. E13-E22;
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- 30 (2) Keith D. Cicerone, et al., *Evidence-Based Cognitive*
31 *Rehabilitation: Updated Review of the Literature From*
32 *2003 Through 2008*, *Archives of Physical Medicine and*
33 *Rehabilitation*, vol. 92, no. 4, 2011, pp. 519-530;
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- 35 (3) The Society for Cognitive Rehabilitation, Inc.,
36 *Recommendations for Best Practice in Cognitive*
37 *Rehabilitation Therapy: Acquired Brain Injury*, 2004;
38 and
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- 40 (4) Institute of Medicine, *Cognitive Rehabilitation*
41 *Therapy for Traumatic Brain Injury: Evaluating the*



1 *Evidence*, Washington, D.C.: The National Academies
2 Press, 2011; and

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4 BE IT FURTHER RESOLVED that the Auditor is requested to
5 submit its findings and recommendations to the Legislature,
6 including any necessary implementing legislation, no later than
7 twenty days prior to the convening of the Regular Session of
8 2018; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to the Auditor and the
12 Insurance Commissioner, who in turn is requested to transmit
13 copies to each insurer in the State that issues health insurance
14 policies, contracts, plans, or agreements.

