

JAN 20 2017

---

# 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



1 necessary post-acute transition services or community  
2 reintegration activities.

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

6 "§431:10A- Cognitive rehabilitation therapy; notice.

7 (a) Notwithstanding any other law to the contrary, each  
8 individual and group accident and health or sickness insurance  
9 plan, policy, contract, or agreement issued or renewed in the  
10 State after December 31, 2017, shall provide the following  
11 therapy and services, as a result of and related to an acquired  
12 brain injury, for the member and individuals covered under the  
13 individual and group accident and health or sickness insurance  
14 plan, policy, contract, or agreement:

15 (1) Cognitive rehabilitation therapy;

16 (2) Cognitive communication therapy;

17 (3) Neurocognitive therapy and rehabilitation;

18 (4) Neurobehavioral, neurophysiological,

19 neuropsychological, and psychophysiological testing or  
20 treatment;

21 (5) Neurofeedback therapy;



1       (6) Remediation; and

2       (7) Any necessary post-acute transition services or  
3       community reintegration services;

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

11      (b) Coverage required under this section may be subject to  
12      deductibles, copayments, coinsurance, or annual or maximum  
13      payment limits that are consistent with deductibles, copayments,  
14      coinsurance, and annual or maximum payment limits applicable to  
15      other similar coverage under the policy, contract, plan, or  
16      agreement.

17      (c) Every insurer shall provide notice to its  
18      policyholders regarding the coverage required by this section.  
19      Notice shall be in writing and in literature or correspondence  
20      sent to policyholders beginning with calendar year 2017 along



1 with any other mailing to policyholders, but in no case later  
2 than December 31, 2017.

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

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

12 **"§432:1- Cognitive rehabilitation therapy; notice. (a)**  
13 Notwithstanding any other law to the contrary, each individual  
14 and group hospital or medical service plan, policy, contract, or  
15 agreement issued or renewed in the State after December 31,  
16 2017, shall provide the following therapy and services, as a  
17 result of and related to an acquired brain injury, for the  
18 member and individuals covered under the individual and group  
19 hospital or medical service plan, policy, contract or agreement:

20 (1) Cognitive rehabilitation therapy;

21 (2) Cognitive communication therapy;



1       (3) Neurocognitive therapy and rehabilitation;

2       (4) Neurobehavioral, neurophysiological,

3       neuropsychological, and psychophysiological testing or

4       treatment;

5       (5) Neurofeedback therapy;

6       (6) Remediation; and

7       (7) Any necessary post-acute transition services or

8       community reintegration services;

9       provided that the therapies and services required under this

10      section shall be covered for up to twenty years from the date

11      the acquired brain injury occurred; provided further that no

12      insurance provider shall be required to pay more than \$300,000

13      for therapies and services provided under this section per

14      member unless the insurance plan, policy, contract, or agreement

15      states otherwise.

16      (b) Coverage required under this section may be subject to

17      deductibles, copayments, coinsurance, or annual or maximum

18      payment limits that are consistent with deductibles, copayments,

19      coinsurance, and annual or maximum payment limits applicable to

20      other similar coverage under the individual and group hospital

21      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 2017 along with any  
5 other mailing to members, but in no case later than December 31,  
6 2017.

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-132,  
2 431:10A-133, 431:10A-134, 431:10A-140, [and], [~~431:10A-134~~],  
3 431:10A- , 432:1- , and chapter 431M."

4 SECTION 5. The benefit to be provided by health  
5 maintenance organizations corresponding to the benefit provided  
6 under section 431:10A- , Hawaii Revised Statutes, as contained  
7 in the amendment to section 432D-23, Hawaii Revised Statutes, in  
8 section 4 of this Act shall take effect for all policies,  
9 contracts, plans, or agreements issued in the State of Hawaii  
10 after December 31, 2017.

11 SECTION 6. The department of commerce and consumer affairs  
12 shall submit a report to the legislature no later than twenty  
13 days prior to the convening of the 2019 regular session. The  
14 report shall explain the economic impact that the expanded  
15 coverage under this Act has had on affected insurers.

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

18 SECTION 8. This Act shall take effect upon its approval.  
19

INTRODUCED BY:

*Rosalyn H Baker*  
*Mike Gabbard*



# S.B. NO. 225

**Report Title:**

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

**Description:**

Requires certain insurance contracts and plans to provide coverage beginning 1/1/2017 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".

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

