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# A BILL FOR AN ACT

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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 and  
2 abuse are extremely prevalent in the United States. One in six  
3 women and one in thirty-three men have experienced an attempted  
4 or completed rape in their lifetimes, while one in four girls  
5 and one in six boys will be sexually abused before they turn  
6 eighteen. According to the federal Centers for Disease Control  
7 and Prevention, an estimated 43.9 per cent of women and 23.4 per  
8 cent of men have experienced forms of sexual violence other than  
9 rape within their lifetimes.

10       The legislature further finds that sexual violence and  
11 abuse can have severe and lasting emotional and mental health  
12 impacts on victims. Victims of sexual assault during adulthood  
13 suffer post-traumatic stress disorder at a rate between thirty  
14 to sixty-five per cent, as well as elevated rates of depressive  
15 disorders, parasuicidal behaviors, and substance use disorders.  
16 Victims of sexual abuse during childhood face numerous  
17 psychological challenges at rates higher than people who have



1 not experienced sexual abuse, including being three to five  
2 times more likely to be diagnosed with post-traumatic stress  
3 disorder; having fifty-two per cent higher rates of lifetime  
4 depression; and experiencing increased rates of suicide, self-  
5 harming behaviors, alcohol use, eating disorders, and  
6 disruptions to developmental processes that lead to personality  
7 disorders. Consequently, many victims of sexual violence and  
8 abuse represent mental health cases that require clinical victim  
9 support services by qualified mental health providers, in  
10 addition to psychotherapy, to effectively manage mental  
11 disorders related to sexual violence and abuse.

12 The legislature also finds that it can be difficult for  
13 victims of sexual violence and abuse to obtain appropriate  
14 mental health services due to the limited availability of  
15 qualified mental health providers who are able to take on  
16 potentially complex mental health cases. Clinical victim  
17 support services, which are required for treatment of mental  
18 disorders caused, in whole or in part, by sexual violence and  
19 abuse, are not generally covered by health insurers. This is a  
20 barrier to sufficient provider availability, as clinical victim



1 support services are often an unreimbursed expense that  
2 discourages providers from accepting potentially complex cases.

3 The purpose of this Act is to improve mental health service  
4 availability for victims of sexual violence and abuse by  
5 requiring that accident and health or sickness insurance  
6 policies provide coverage for appropriate clinical victim  
7 support services provided by qualified mental health providers.

8 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is  
9 amended by adding two new definitions to be appropriately  
10 inserted and to read as follows:

11 "Clinical victim support services" means a professional  
12 intervention conducted by a qualified mental health provider to  
13 identify needs and assist in obtaining coordinated, appropriate  
14 services and resources for a victim of sexual violence and abuse  
15 to curtail or prevent the progression and worsening of mental  
16 disorders and associated functional impairments caused, in whole  
17 or in part, by the sexual violence and abuse. "Clinical victim  
18 support services" includes:

19 (1) Coordinating with other health care providers, such as  
20 primary care physicians, behavioral and mental health  
21 care providers, and hospitals;



1       (2) Assisting victims of sexual violence and abuse in  
2       obtaining appropriate government entitlements, access,  
3       insurance coverage, and other appropriate programs and  
4       services offered by government agencies and community  
5       organizations; and

6       (3) Coordinating with schools, employers, and other  
7       individuals and entities concerning a victim of sexual  
8       violence and abuse.

9       "Victim of sexual violence and abuse" means an individual  
10      who suffers from one or more mental disorders caused, in whole  
11      or in part, by sexual violence and abuse."

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

14       "(a) All individual and group policies of accident and  
15      health or sickness insurance [~~polieies~~] in this State,  
16      individual or group hospital or medical service plan contracts,  
17      and nonprofit mutual benefit society, fraternal benefit society,  
18      and health maintenance organization health plan contracts shall  
19      include within their hospital and medical coverage the benefits  
20      of alcohol use disorder, substance use disorder, and mental  
21      health treatment services, including services for alcohol



1 dependence and drug dependence[7] and clinical victim support  
2 services for victims of sexual violence and abuse, except that  
3 this section shall not apply to insurance policies that are  
4 issued solely for single diseases, or otherwise limited,  
5 specialized coverage."

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

8 "(b) Mental illness benefits.

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



1           mental health counselor, advanced practice registered  
2           nurse, or a licensed dietitian treating eating  
3           disorders, for a patient already under the care or  
4           treatment of a physician or psychologist shall be done  
5           in consultation with the physician or psychologist;

6           (2) In-hospital and nonhospital residential mental health  
7           services as a covered benefit under this chapter shall  
8           be provided in a hospital or a nonhospital residential  
9           facility. The services to be covered shall include  
10          those services required for licensure and  
11          accreditation;

12          (3) Mental health partial hospitalization as a covered  
13          benefit under this chapter shall be provided by a  
14          hospital or a mental health outpatient facility. The  
15          services to be covered under this paragraph shall  
16          include those services required for licensure and  
17          accreditation; ~~and~~

18          (4) Mental health outpatient services shall be a covered  
19          benefit under this chapter ~~[and]~~; and

20          (5) Clinical victim support services provided by qualified  
21          mental health providers for victims of sexual violence



1           and abuse shall be a covered benefit under this  
2           chapter."

3           SECTION 5. Notwithstanding any other law to the contrary,  
4 the coverage and reimbursement for clinical victim support  
5 services for victims of sexual violence and abuse required under  
6 sections 2, 3, and 4 of this Act shall also apply to all health  
7 benefit plans under chapter 87A, Hawaii Revised Statutes,  
8 issued, renewed, modified, altered, or amended on or after the  
9 effective date of this Act.

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

12          SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Insurance; Coverage Benefits; Clinical Victim Support Services;  
Victims of Sexual Violence and Abuse

**Description:**

Requires that health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders. (SD1)

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

