
A BILL FOR AN ACT

RELATING TO CLINICAL VICTIM SUPPORT SERVICES.

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. One in four girls and one
5 in six boys will be sexually abused before they turn eighteen.
6 According to the federal Centers for Disease Control and
7 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 many sexual violence and
11 abuse victims suffer conditions and disorders requiring clinical
12 support and psychotherapy. Victims who were sexually assaulted
13 during adulthood suffer post-traumatic stress disorder,
14 depressive disorders, parasuicidal behaviors, and substance use
15 disorders. Victims of childhood sexual abuse face psychological
16 challenges at rates higher than people who have not experienced
17 sexual abuse. Childhood sexual assault victims are three to



1 five times more likely to be diagnosed with post-traumatic
2 stress disorder, have fifty-two per cent higher rates of
3 lifetime depression, and experience increased rates of suicide,
4 self-harming behaviors, alcohol use, eating disorders, and
5 disruptions to developmental processes that lead to personality
6 disorders.

7 The legislature also finds that many sexual violence and
8 abuse victims have difficulty obtaining appropriate mental
9 health services from providers capable of addressing their
10 specific issues. Although victims need clinical victim support
11 services to treat mental disorders caused by sexual violence and
12 abuse, the services are often not covered by health insurers.

13 The legislature additionally finds that clinical victim
14 support services arguably fall within the existing definition of
15 "mental health outpatient services," which are already included
16 in policies offered by health insurers, mutual benefit
17 societies, fraternal benefit societies, and health maintenance
18 organizations. Therefore, section 23-51, Hawaii Revised
19 Statutes, which requires an impact assessment report by the
20 auditor prior to any new legislatively-mandated health insurance
21 coverage, does not apply.



1 The purpose of this Act is to improve mental health service
2 availability for victims of sexual violence and abuse by
3 clarifying that clinical victim support services for victims of
4 sexual violence and abuse are a mental health outpatient
5 services benefit required to be covered under health insurance
6 policies offered by health insurers, mutual benefit societies,
7 fraternal benefit societies, and health maintenance
8 organizations.

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

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



- 1 (1) Coordinating with other health care providers, such as
- 2 primary care physicians, behavioral and mental health
- 3 care providers, and hospitals;
- 4 (2) Assisting victims of sexual violence and abuse in
- 5 obtaining appropriate government entitlements, access,
- 6 insurance coverage, and other appropriate programs and
- 7 services offered by government agencies and community
- 8 organizations; and
- 9 (3) Coordinating with schools, employers, and other
- 10 individuals and entities concerning a victim of sexual
- 11 violence and abuse.

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

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

17 "(a) All individual and group policies of accident and
 18 health or sickness insurance [~~policies~~] issued in this State,
 19 individual or group hospital or medical service plan contracts,
 20 and nonprofit mutual benefit society, fraternal benefit society,
 21 and health maintenance organization health plan contracts shall



1 include within their hospital and medical coverage the benefits
2 of alcohol use disorder, substance use disorder, and mental
3 health treatment services, including services for alcohol
4 dependence and drug dependence[7] and clinical victim support
5 services for victims of sexual violence and abuse, except that
6 this section shall not apply to insurance policies that are
7 issued solely for single diseases, or otherwise limited,
8 specialized coverage."

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

11 "(b) Mental illness benefits.

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



1 the patient's condition. An individualized treatment
2 plan approved by a licensed clinical social worker,
3 licensed marriage and family therapist, licensed
4 mental health counselor, advanced practice registered
5 nurse, or a licensed dietitian treating eating
6 disorders, for a patient already under the care or
7 treatment of a physician or psychologist shall be done
8 in consultation with the physician or psychologist;

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

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



1 (4) Mental health outpatient services, including clinical
2 victim support services, shall be a covered benefit
3 under this chapter."

4 SECTION 5. Section 23-51, Hawaii Revised Statutes, shall
5 not apply to this Act.

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

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Clarifies that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations. (SB1036 HD1)

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

