



GOV. MSG. NO. 791

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 24, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 24, 2007, the following bill was signed into law:

SB53

A BILL FOR AN ACT RELATING TO MARRIAGE
AND FAMILY THERAPISTS.
(ACT 038)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".
LINDA LINGLE

JAN 17 2007

A BILL FOR AN ACT

RELATING TO MARRIAGE AND FAMILY THERAPISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431M-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Marriage and family therapist" means a person licensed in
6 marriage and family therapy practice pursuant to chapter 451J."

7 2. By amending the definitions of "alcohol or drug
8 dependence outpatient services" and "day treatment services" to
9 read:

10 "Alcohol or drug dependence outpatient services" means
11 alcohol or drug dependence nonresidential treatment provided on
12 an ambulatory basis to patients with alcohol or drug dependence
13 problems that includes interventions prescribed and performed by
14 qualified physicians, psychologists, licensed clinical social
15 workers, marriage and family therapists, or advanced practice
16 registered nurses. This definition shall not imply a broadening



1 of the scope of or granting of prescriptive authority
2 privileges, except as otherwise allowed pursuant to chapter 457.

3 "Day treatment services" means treatment services provided
4 by a hospital, mental health outpatient facility, or nonhospital
5 facility to patients who, because of their conditions, require
6 more than periodic hourly service. Day treatment services shall
7 be prescribed by a physician, psychologist, licensed clinical
8 social worker, marriage and family therapist, or advanced
9 practice registered nurse, and carried out under the supervision
10 of a physician, psychologist, licensed clinical social worker,
11 marriage and family therapist, or advanced practice registered
12 nurse. Day treatment services require less than twenty-four
13 hours of care and a minimum of three hours in any one day."

14 3. By amending the definition of "mental health outpatient
15 services" to read:

16 "'Mental health outpatient services" means mental health
17 nonresidential treatment provided on an ambulatory basis to
18 patients with mental illness that includes interventions
19 prescribed and performed by a physician, psychologist, licensed
20 clinical social worker, marriage and family therapist, or
21 advanced practice registered nurse."



1 4. By amending the definition of "partial hospitalization
2 services" to read:

3 ""Partial hospitalization services" means treatment
4 services, including in-hospital treatment services or benefits,
5 provided by a hospital or mental health outpatient facility to
6 patients who, because of their conditions, require more than
7 periodic hourly service. Partial hospitalization services shall
8 be prescribed by a physician or psychologist, and may be
9 prescribed by a licensed clinical social worker, marriage and
10 family therapist, or advanced practice registered nurse in
11 consultation with a physician or psychologist [~~or an advanced~~
12 ~~practice registered nurse in consultation with a physician or~~
13 ~~psychologist~~]. Partial hospitalization services require less
14 than twenty-four hours of care and a minimum of three hours in
15 any one day."

16 5. By amending the definition of "qualified" to read:

17 ""Qualified" means:

18 (1) Having skill in the diagnosis or treatment of
19 substance use disorders, based on a practitioner's
20 credentials, including but not limited to professional
21 education, clinical training, licensure, board or
22 other certification, clinical experience, letters of



1 reference, other professional qualifications, and
2 disciplinary action; or

3 (2) Being a licensed physician, psychologist, licensed
4 clinical social worker, marriage and family therapist,
5 or advanced practice registered nurse, and certified
6 pursuant to chapter 321."

7 6. By amending the definition of "treatment episode" to
8 read:

9 "Treatment episode" means one admission to an accredited
10 hospital or nonhospital facility, or office of a qualified
11 physician, psychologist, licensed clinical social worker,
12 marriage and family therapist, or advanced practice registered
13 nurse for treatment of alcohol or drug dependence, or both, as
14 stipulated in a prescribed treatment plan and that would
15 generally produce remission in those who complete the treatment.
16 The prescribed treatment plan may include the provision of
17 substance abuse services in more than one location and may
18 include in-hospital, nonhospital residential, day treatment, or
19 alcohol or drug dependence outpatient services, or any
20 combination thereof. An admission for only detoxification
21 services shall not constitute a treatment episode."



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

3 "(a) Covered benefits for alcohol dependence, drug
4 dependence, or mental illness insurance policies, hospital or
5 medical service plan contracts, and health maintenance
6 organization health plan contracts shall be limited to those
7 services certified by the insurance or health care plan
8 carrier's physician, psychologist, licensed clinical social
9 worker, marriage and family therapist, or advanced practice
10 registered nurse as medically or psychologically necessary at
11 the least restrictive appropriate level of care."

12 SECTION 3. Section 431M-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§431M-4 Mental illness, alcohol and drug dependence**
15 **benefits.** (a) The covered benefit under this chapter shall not
16 be less than thirty days of in-hospital services per year. Each
17 day of in-hospital services may be exchanged for two days of
18 nonhospital residential services, two days of partial
19 hospitalization services, or two days of day treatment services.
20 Visits to a physician, psychologist, licensed clinical social
21 worker, marriage and family therapist, or advanced practice
22 registered nurse shall not be less than thirty visits per year



1 to hospital or nonhospital facilities or to mental health
2 outpatient facilities for day treatment or partial
3 hospitalization services. Each day of in-hospital services may
4 also be exchanged for two outpatient visits under this chapter;
5 provided that the patient's condition is such that the
6 outpatient services would reasonably preclude hospitalization.
7 The total covered benefit for outpatient services in subsections
8 (b) and (c) shall not be less than twenty-four visits per year;
9 provided that coverage of twelve of the twenty-four outpatient
10 visits shall apply only to the services under subsection (c).
11 The other covered benefits under this chapter shall apply to any
12 of the services in subsection (b) or (c). In the case of
13 alcohol and drug dependence benefits, the insurance policy may
14 limit the number of treatment episodes but may not limit the
15 number to less than two treatment episodes per lifetime.
16 Nothing in this section shall be construed to limit serious
17 mental illness benefits.

18 (b) Alcohol and drug dependence benefits shall be as
19 follows:

20 (1) Detoxification services as a covered benefit under
21 this chapter shall be provided either in a hospital or
22 in a nonhospital facility that has a written



1 affiliation agreement with a hospital for emergency,
2 medical, and mental health support services. The
3 following services shall be covered under
4 detoxification services:

- 5 (A) Room and board;
6 (B) Diagnostic x-rays;
7 (C) Laboratory testing; and
8 (D) Drugs, equipment use, special therapies, and
9 supplies.

10 Detoxification services shall be included as part of
11 the covered in-hospital services, but shall not be
12 included in the treatment episode limitation, as
13 specified in subsection (a);

- 14 (2) Alcohol or drug dependence treatment through
15 in-hospital, nonhospital residential, or day treatment
16 substance abuse services as a covered benefit under
17 this chapter shall be provided in a hospital or
18 nonhospital facility. Before a person qualifies to
19 receive benefits under this subsection, a qualified
20 physician, psychologist, licensed clinical social
21 worker, marriage and family therapist, or advanced
22 practice registered nurse shall determine that the



1 -person suffers from alcohol or drug dependence, or
2 both; provided that the substance abuse services
3 covered under this paragraph shall include those
4 services that are required for licensure and
5 accreditation and shall be included as part of the
6 covered in-hospital services as specified in
7 subsection (a). Excluded from alcohol or drug
8 dependence treatment under this subsection are
9 detoxification services and educational programs to
10 which drinking or drugged drivers are referred by the
11 judicial system and services performed by mutual self-
12 help groups;

- 13 (3) Alcohol or drug dependence outpatient services as a
14 covered benefit under this chapter shall be provided
15 under an individualized treatment plan approved by a
16 qualified physician, psychologist, licensed clinical
17 social worker, marriage and family therapist, or
18 advanced practice registered nurse and shall be
19 services reasonably expected to produce remission of
20 the patient's condition. An individualized treatment
21 plan approved by a marriage and family therapist,
22 licensed clinical social worker, or an advanced



1 practice registered nurse for a patient already under
2 the care or treatment of a physician or psychologist
3 shall be done in consultation with the physician or
4 psychologist. Services covered under this paragraph
5 shall be included as part of the covered outpatient
6 services as specified in subsection (a); and

7 (4) Substance abuse assessments for alcohol or drug
8 dependence as a covered benefit under this section for
9 a child facing disciplinary action under section
10 302A-1134.6 shall be provided by a qualified
11 physician, psychologist, licensed clinical social
12 worker, advanced practice registered nurse, or
13 certified substance abuse counselor. The certified
14 substance abuse counselor shall be employed by a
15 hospital or nonhospital facility providing substance
16 abuse services. The substance abuse assessment shall
17 evaluate the suitability for substance abuse treatment
18 and placement in an appropriate treatment setting.

19 (c) Mental illness benefits.

20 (1) Covered benefits for mental health services set forth
21 in this subsection shall be limited to coverage for
22 diagnosis and treatment of mental disorders. All



1 mental health services shall be provided under an
2 individualized treatment plan approved by a physician,
3 psychologist, licensed clinical social worker,
4 marriage and family therapist, or advanced practice
5 registered nurse and must be reasonably expected to
6 improve the patient's condition. An individualized
7 treatment plan approved by a licensed clinical social
8 worker, marriage and family therapist, or an advanced
9 practice registered nurse for a patient already under
10 the care or treatment of a physician or psychologist
11 shall be done in consultation with the physician or
12 psychologist;

13 (2) In-hospital and nonhospital residential mental health
14 services as a covered benefit under this chapter shall
15 be provided in a hospital or a nonhospital residential
16 facility. The services to be covered shall include
17 those services required for licensure and
18 accreditation, and shall be included as part of the
19 covered in-hospital services as specified in
20 subsection (a);

21 (3) Mental health partial hospitalization as a covered
22 benefit under this chapter shall be provided by a

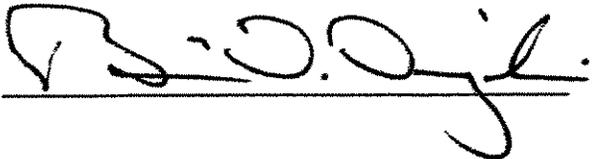


1 hospital or a mental health outpatient facility. The
 2 services to be covered under this paragraph shall
 3 include those services required for licensure and
 4 accreditation and shall be included as part of the
 5 covered in-hospital services as specified in
 6 subsection (a); and

7 (4) Mental health outpatient services shall be a covered
 8 benefit under this chapter and shall be included as
 9 part of the covered outpatient services as specified
 10 in subsection (a)."

11 SECTION 4. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14 INTRODUCED BY: 


 GOVERNOR OF THE STATE OF HAWAII
 Approved this day: APR 24 2007