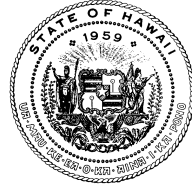


HTH-CPN HEARING

TESTIMONY

SCR57



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committees on Health and Commerce and Consumer Protection

**SCR57, REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND
FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE
COVERAGE FOR SURVIVORS OF TRAUMATIC BRAIN INJURIES**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

March 22, 2013

1 **Department's Position:** The Department appreciates the opportunity to discuss requesting the auditor
2 to assess the social and financial effects of requiring health insurers to provide coverage for survivors of
3 traumatic brain injuries.

4 **Fiscal Implications:** This resolution will assess the financial effects of requiring health insurers to
5 provide coverage for survivors of traumatic brain injuries.

6 **Purpose and Justification:** Based upon information gathered by the Department relating to research,
7 clinical and treatment guidelines and best practices in the area of cognitive rehabilitation, the
8 Department recognizes the growing trend in number of health plans that are either including the
9 coverage in their health plans or being forced to provide coverage resulting from a denial being
10 overturned on appeal. Based upon information obtained from the Brain Injury Association of America,
11 Texas is the only state that "mandates" insurance coverage for cognitive rehabilitation. The Department
12 would also want to note that in 2011 the HMSA began providing coverage for Cognitive Rehabilitation
13 and Sensory Integration Therapy, and this is consistent with other Blue Cross Blue Shield organizations

- 1 nationwide who have decided to provide coverage without a mandate. Thank you for this opportunity to
- 2 testify.

Testimony of
John Kirimitsu
Legal and Government Relations Consultant

Before:

Senate Committee on Health
The Honorable Josh Green, Chair
The Honorable Rosalyn H. Baker, Vice Chair

Senate Committee on Commerce and Consumer Protection
The Honorable Rosalyn H. Baker, Chair
The Honorable Brickwood Galuteria, Vice Chair

March 25, 2013
1:45 PM
Conference Room 229

**Re: SCR 57 REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND
FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO
PROVIDE COVERAGE FOR SURVIVORS OF TRAUMATIC BRAIN
INJURIES.**

Chairs, Vice-Chairs, and committee members thank you for this opportunity to provide testimony on SCR 57 which requests the auditor to assess the social and financial effects of requiring health insurers to offer coverage for survivors of traumatic brain injuries.

Kaiser Permanente Hawaii supports this resolution.

Kaiser Permanente's usual position on legislative health mandates is to oppose them, in part because they often tend to dictate how medicine should be practiced, which sometimes results in medicine that is not evidence based and usurps the role and expertise of the practicing physician in providing safe, quality medical care, treatment and services. However, for purposes of this audit, we offer the following considerations that may make the auditor's study more useful.

BE IT FURTHER RESOLVED that the Auditor is requested to identify the number of survivors of “traumatic brain injuries” in Hawaii, based on national prevalence rates, to examine the social impact of this coverage; and

BE IT FURTHER RESOLVED that the Auditor is requested to include in the impact assessment a survey of other states in the U.S. which have implemented a mandate for coverage of traumatic brain injuries to examine what the social and financial impact have been in these states; and

BE IT FURTHER RESOLVED that the Auditor is requested to research public and private entities that provide coverage for traumatic brain injuries to determine the qualification standards for coverage (i.e., what is defined as “traumatic brain injury”?; Is this coverage based on a certain diagnosis code?), and identifying what types of treatments make up covered benefits (i.e., what types of treatments make up “cognitive rehabilitation therapy”?), and what, if any, cost limitations are placed on the coverage benefit. Entities for this research should include, but not be limited to, Medicare, Medicaid and health plans in Hawaii, and individuals who need, use or otherwise experience the need for such services. A standard definition of “traumatic brain injury” and “cognitive rehabilitation therapy” is useful for insurers to identify and quantify the various therapies that can make up cognitive rehabilitation to determine what types of treatment would be covered; and

BE IT FURTHER RESOLVED that the Auditor is requested to examine current scientific studies and current medical literature relating to the efficacy of cognitive rehabilitation treatment for traumatic brain injuries; and

BE IT FURTHER RESOLVED that the Auditor is requested to research what benefits and services are mandated by state and federal law, and whether a state-required mandate, adopted subsequent to December 31, 2011, adding benefits beyond the essential health benefits in the state’s qualified health plan, would be the fiscal responsibility of the state pursuant to section 1311(d)(3) of the federal Patient Protection and Affordable Care Act.

Thank you for your consideration.