

JAN 20 2011

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. According to a 2009 poll conducted for the
2 Closing the Addiction Treatment Gap Initiative, most Americans,
3 regardless of race, age, place of residence, or income, know
4 someone personally who has been addicted to alcohol or drugs.
5 Additionally, seventy-three per cent of Americans support the
6 idea of including alcohol and drug addiction treatment as part
7 of national health care reform to make it more accessible and
8 affordable. Despite widespread concern and support across
9 America, the legislature finds that obtaining treatment for
10 behavioral health disorders continues to be costlier and more
11 difficult than obtaining general medical care. Different
12 financial limits and cost-sharing requirements, limits on
13 coverage, providers, types and duration of treatment, and other
14 provisions constrain the level and quality of insured health
15 care that is available to those with behavioral health issues.

16 Pursuant to the United States Department of the Treasury's
17 Interim Final Rules pertaining to the Paul Wellstone and Pete
18 Domenici Mental Health Parity and Addiction Equity Act of 2008,



1 group health plans are required to have no more restrictions on
2 mental health and substance abuse disorders than on medical or
3 surgical benefits. The legislature finds that while the Interim
4 Final Rules require action by the State to ensure compliance,
5 the State also has the option to enact and implement parity laws
6 that are even more comprehensive than what is required for
7 federal compliance.

8 The purpose of this Act is to convene a mental health and
9 substance abuse parity working group to determine how the State
10 can come into compliance with federal mental health and
11 substance abuse parity laws and regulations and enhance its
12 existing parity laws.

13 SECTION 2. (a) The director of health shall convene a
14 mental health and substance abuse parity working group. The
15 working group shall consist of thirteen members as follows:

- 16 (1) Two members appointed by the governor;
17 (2) Two members appointed by the president of the senate;
18 (3) Two members appointed by the speaker of the house of
19 representatives;
20 (4) One member appointed by the attorney general;
21 (5) One member appointed by the insurance commissioner;



- 1 (6) One member appointed by the alcohol and drug abuse
2 division of the department of health;
- 3 (7) One member appointed by the adult mental health
4 division of the department of health;
- 5 (8) One representative of the Hawaii Substance Abuse
6 Coalition;
- 7 (9) One representative of the Mental Health Association in
8 Hawaii; and
- 9 (10) One representative of the Legal Aid Society of Hawaii.
- 10 (b) The duties of the working group shall be as follows:
- 11 (1) Review special reports, and updates to the special
12 reports, that provide an analysis of the Paul
13 Wellstone and Pete Domenici Mental Health Parity and
14 Addiction Equity Act of 2008 and relevant Interim
15 Final Rules;
- 16 (2) Review the provisions in national health care reform
17 laws and regulations that affect behavioral health
18 care, including:
- 19 (A) Provisions that interact with the Mental Health
20 Parity and Addiction Equity Act of 2008;
- 21 (B) Provisions that address the issue of behavioral
22 health provider shortage by providing for the



- 1 establishment of grant programs to train and
2 educate such providers;
- 3 (C) Provisions that address the issue of
4 affordability and lack of coordination of
5 behavioral health care through the establishment
6 of federally qualified behavioral health centers
7 and co-location of primary and specialty care
8 services with behavioral health services; and
- 9 (D) Provisions that address research needs in
10 specialty areas of mental health care, such as
11 authorizing studies on postpartum depression;
- 12 (3) Determine the State's role and responsibilities in
13 implementing the Mental Health Parity and Addiction
14 Equity Act of 2008; and
- 15 (4) Based on information reviewed or determined pursuant
16 to paragraphs (1) to (3), examine and make
17 recommendations regarding the addition or enhancement
18 of various components of the State's mental health and
19 substance abuse parity laws, including:
- 20 (A) Coverage options, including mandatory coverage of
21 mental illnesses and substance abuse;



- 1 (B) Definitions of covered conditions and other terms
- 2 necessary to implement the State's parity laws;
- 3 (C) Individual and small group plans;
- 4 (D) Financial and durational limits on treatment;
- 5 (E) Determination of medical necessity;
- 6 (F) Managed care;
- 7 (G) Out-of-network coverage;
- 8 (H) Adequacy of network provider panels;
- 9 (I) Prescription medications;
- 10 (J) Specific services for serious mental illness;
- 11 (K) Oversight of implementation; and
- 12 (L) Independent external review of claims.

13 (c) The legislative reference bureau shall assist the
14 working group in drafting any appropriate legislation.

15 (d) The working group shall submit to the legislature a
16 report of its findings and recommendations, including proposed
17 legislation, no later than twenty days prior to the convening of
18 the regular session of 2013 and shall dissolve on June 30, 2013.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Randy H. Berk

Will Zygo

John

Carol Johnson

Clarence Reichert

Therese Ann O'Hara



Report Title:

Mental Health and Substance Abuse Parity; Working Group

Description:

Requires the director of health to convene a mental health and substance abuse parity working group to determine how the State can come into compliance with federal mental health and substance abuse parity laws and regulations and enhance existing state parity laws.

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

