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# A BILL FOR AN ACT

RELATING TO HEALTH COVERAGE FOR BRAIN INJURIES.

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

1           SECTION 1. The legislature finds that traumatic brain  
2 injury is damage to the brain caused by an external force.  
3 Traumatic brain injury may produce a diminished or altered state  
4 of consciousness and may result in an impairment of cognitive  
5 abilities or physical functioning.

6           The legislature also finds that traumatic brain injury is a  
7 leading cause of death and disability among children and young  
8 adults. However, survivors of traumatic brain injury can lead  
9 full lives, thanks to lifesaving medical techniques and  
10 rehabilitation services. However, survivors face a long  
11 rehabilitation process that may not be covered by certain health  
12 benefit plans.

13           The purpose of this Act is to require insurers, hospital  
14 and medical services plans, and health maintenance organizations  
15 to provide coverage for survivors of brain injuries, including  
16 cognitive and neurocognitive therapy, neurobehavioral and  
17 neuropsychological testing or treatment, and necessary post-  
18 acute transition services or community reintegration activities.



1 SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
2 amended by adding a new section to article 10A to be  
3 appropriately designated and to read as follows:

4 "§431:10A- Cognitive rehabilitation therapy; notice.

5 (a) Notwithstanding any other law to the contrary, each  
6 individual and group hospital or medical service plan, policy,  
7 contract, or agreement issued or renewed in this State after  
8 December 31, 2011, shall provide the following therapy and  
9 services, as a result of and related to an acquired brain  
10 injury, for the member and individuals covered under the  
11 individual and group hospital or medical service plan, policy,  
12 contract, or agreement; provided that the therapies and services  
13 required under this section shall be covered for up to six  
14 months from the date the acquired brain injury occurred:

- 15 (1) Cognitive rehabilitation therapy;
- 16 (2) Cognitive communication therapy;
- 17 (3) Neurocognitive therapy and rehabilitation;
- 18 (4) Neurobehavioral, neurophysiological,  
19 neuropsychological, and psychophysiological testing or  
20 treatment;
- 21 (5) Neurofeedback therapy;
- 22 (6) Remediation; and



1       (7) Any necessary post-acute transition services or  
2           community reintegration services.

3       (b) Coverage required under this section may be subject to  
4       deductibles, copayments, coinsurance, or annual or maximum  
5       payment limits that are consistent with deductibles, copayments,  
6       coinsurance, and annual or maximum payment limits applicable to  
7       other similar coverage under the policy, contract, plan, or  
8       agreement.

9       (c) Every insurer shall provide notice to its  
10       policyholders regarding the coverage required by this section.  
11       Notice shall be in writing and in literature or correspondence  
12       sent to policyholders beginning with calendar year 2011 along  
13       with any other mailing to policyholders, but in no case later  
14       than December 31, 2011."

15       SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
16       amended by adding a new section to be appropriately designated  
17       and to read as follows:

18       "§432- Cognitive rehabilitation therapy; notice. (a)  
19       Notwithstanding any other law to the contrary, each individual  
20       and group hospital or medical service plan, policy, contract, or  
21       agreement issued or renewed in this State after December 31,  
22       2011, shall provide the following therapy and services, as a



1 result of and related to an acquired brain injury, for the  
2 member and individuals covered under the individual and group  
3 hospital or medical service plan, policy, contract or agreement;  
4 provided that the following therapies and services shall be  
5 covered for up to six months from the date the acquired brain  
6 injury occurred:

- 7       (1) Cognitive rehabilitation therapy;
- 8       (2) Cognitive communication therapy;
- 9       (3) Neurocognitive therapy and rehabilitation;
- 10      (4) Neurobehavioral, neurophysiological,  
11       neuropsychological, and psychophysiological testing or  
12       treatment;
- 13      (5) Neurofeedback therapy;
- 14      (6) Remediation; and
- 15      (7) Any necessary post-acute transition services or  
16       community reintegration services.

17      (b) Coverage required under this section may be subject to  
18 deductibles, copayments, coinsurance, or annual or maximum  
19 payment limits that are consistent with deductibles, copayments,  
20 coinsurance, and annual or maximum payment limits applicable to  
21 other similar coverage under the individual and group hospital  
22 or medical service plan, policy, contract, or agreement.



1        (c) Every mutual benefit society shall provide notice to  
2 its members regarding the coverage required by this section.  
3 Notice shall be in writing and in literature or correspondence  
4 sent to members beginning with calendar year 2011 along with any  
5 other mailing to members, but in no case later than December 31,  
6 2011."

7        SECTION 4. Section 432D-23, Hawaii Revised Statutes, is  
8 amended to read as follows:

9        **"§432D-23 Required provisions and benefits.**

10 Notwithstanding any provision of law to the contrary, each  
11 policy, contract, plan, or agreement issued in the State after  
12 January 1, 1995, by health maintenance organizations pursuant to  
13 this chapter, shall include benefits provided in sections  
14 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,  
15 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,  
16 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, and  
17 [~~431:10A-122,~~] 431:10A- , and chapter 431M."

18        SECTION 5. The benefit to be provided by health  
19 maintenance organizations corresponding to the benefit provided  
20 under section 431:10A- , Hawaii Revised Statutes, as contained  
21 in the amendment to section 432D-23, Hawaii Revised Statutes, in  
22 section 4 of this Act shall take effect for all policies,



1 contracts, plans, or agreements issued in the State of Hawaii  
2 after December 31, 2011.

3 SECTION 6. The department of commerce and consumer affairs  
4 shall submit a report to the legislature no later than twenty  
5 days prior to the convening of the 2013 regular session. The  
6 report shall explain the economic impact that the expanded  
7 coverage under this Act has had on affected insurers.

8 SECTION 7. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval.

11



**Report Title:**

Mandated Coverage; Cognitive Rehabilitation; Brain Injury

**Description:**

Requires insurers, hospital and medical services plans, and health maintenance organizations to provide coverage for survivors of brain injuries, including cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities for a period of at least six months from the date the injury occurred. (SD1)

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

