
HOUSE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A WORKING GROUP TO DETERMINE STATE COMPLIANCE WITH THE FEDERAL PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND ENHANCE EXISTING STATE PARITY LAWS.

1 WHEREAS, the Paul Wellstone and Pete Domenici Mental Health
2 Parity and Addiction Equity Act of 2008 is a federal law that
3 establishes requirements to make insurance coverage for mental
4 health conditions and substance use disorders comparable to
5 insurance coverage for other medical conditions; and

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7 WHEREAS, the federal Paul Wellstone and Pete Domenici
8 Mental Health Parity and Addiction Equity Act of 2008 applies to
9 plans sponsored by private and public sector employers with more
10 than 50 employees that offer mental and surgical benefits as
11 well as mental health or substance use disorder benefits,
12 including self-insured and fully-insured arrangements, and to
13 health insurance issuers who sell coverage to employers with
14 more than 50 employees; and

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16 WHEREAS, more specifically, this federal law requires group
17 health plans and health insurance issuers to ensure that
18 financial requirements, such as co-pays and deductibles, and
19 treatment limitations, such as visit limits, applicable to
20 mental health or substance use disorder benefits are not more
21 restrictive than the predominant requirements or limitations
22 applied to substantially all other medical and surgical
23 benefits; and

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25 WHEREAS, while the federal government has recommended that
26 states proactively pass legislation regarding insurance parity
27 in conformity with the federal law, only about one-third of
28 states have done so thus far; and



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1 WHEREAS, not all insurance issuers and plans in the State
2 follow the parity requirements established by the federal law;
3 and
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5 WHEREAS, with respect to complying with the federal Paul
6 Wellstone and Pete Domenici Mental Health Parity and Addiction
7 Equity Act of 2008, the State must, among other things:
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- 9 (1) Develop new and current policies regarding state
10 compliance with the federal law, including enforcement
11 of provider and insurer compliance;
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- 13 (2) Determine the applicability of rules and obligations
14 to insurers, insurance plans, and services; and
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- 16 (3) Proactively pass legislation to fulfill state
17 compliance with the federal Paul Wellstone and Pete
18 Domenici Mental Health Parity and Addiction Equity Act
19 of 2008; and
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21 WHEREAS, it is the State's responsibility to determine who
22 or what entities are subject to parity laws by, for example,
23 creating standardized definitions that apply to health care
24 treatments and services; and
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26 WHEREAS, establishing a working group to examine
27 implementation and enforcement of the federal Paul Wellstone and
28 Pete Domenici Mental Health Parity and Addiction Equity Act of
29 2008 will enhance access to healthcare in the State and assist
30 the State in complying with the federal law; now, therefore,
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32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-sixth Legislature of the State of Hawaii, Regular Session
34 of 2012, the Senate concurring, that the Department of Health is
35 requested to convene a working group to determine State
36 compliance with the federal Paul Wellstone and Pete Domenici
37 Mental Health Parity and Addiction Equity Act of 2008 and
38 enhance existing State parity laws; and
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40 BE IT FURTHER RESOLVED that the members of the working
41 group shall include the following members:



- 1 (1) One member appointed by the Governor;
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- 3 (2) One member of the Senate appointed by the President of
- 4 the Senate;
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- 6 (3) One member of the House appointed by the Speaker of
- 7 the House of Representatives;
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- 9 (4) One member appointed by the Insurance Commissioner;
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- 11 (5) One member appointed by the Director of Health;
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- 13 (6) One member representing the Hawaii Substance Abuse
- 14 Coalition;
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- 16 (7) At least one member who is a psychiatrist or
- 17 psychologist; and
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- 19 (8) One or more members representing a health insurance
- 20 provider regulated under Chapter 431, Article 10A,
- 21 Hawaii Revised Statutes; Chapter 432, Article I,
- 22 Hawaii Revised Statutes; or a managed care provider
- 23 regulated under Chapter 432D, Hawaii Revised Statutes;
- 24 and
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26 BE IT FURTHER RESOLVED that the members of the working
27 group shall designate a chairperson from among its members; and
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29 BE IT FURTHER RESOLVED that the working group is requested
30 to report its findings and recommendations, including any
31 proposed legislation, regarding State compliance with the
32 federal Paul Wellstone and Pete Domenici Mental Health Parity
33 and Addiction Equity Act of 2008 and enhancement of existing
34 State parity laws, to the Legislature no later than twenty days
35 prior to the convening of the Regular Session of 2013; and
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37 BE IT FURTHER RESOLVED that the Legislative Reference
38 Bureau is requested to assist the working group with drafting
39 legislation, if any, that the working group deems necessary as a
40 result of its findings and recommendations regarding parity in
41 the State; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, Insurance
3 Commissioner, Director of Health, Director of the Legislative
4 Reference Bureau, and Hawaii Substance Abuse Coalition.

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OFFERED BY:

A handwritten signature in black ink, appearing to be "Ray", is written over a horizontal line.

FEB 28 2012

