

MAR 14 2012

SENATE 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 TO 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 fifty 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 fifty 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-payments 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 Paul Wellstone
6 and Pete Domenici Mental Health Parity and Addiction Equity Act
7 of 2008, the State must, among other things:
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- 9 (1) Develop new policies regarding state compliance with
10 the federal law, including the enforcement of provider
11 and insurer compliance;
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- 13 (2) Determine the applicability of rules and obligations
14 for insurers, insurance plans, and services; and
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- 16 (3) Proactively pass legislation to achieve compliance
17 with the Paul Wellstone and Pete Domenici Mental
18 Health Parity and Addiction Equity Act of 2008; and
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20 WHEREAS, it is the State's responsibility to determine
21 which entities are subject to parity laws by, for example,
22 creating standardized definitions that apply to health care
23 services; and
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25 WHEREAS, establishing a working group to examine the
26 implementation and enforcement of the Paul Wellstone and Pete
27 Domenici Mental Health Parity and Addiction Equity Act of 2008
28 will enhance access to health care in the State and assist the
29 State in complying with the federal law; now, therefore,
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31 BE IT RESOLVED by the Senate of the Twenty-sixth
32 Legislature of the State of Hawaii, Regular Session of 2012, the
33 House of Representatives concurring, that the Department of
34 Health is requested to convene a working group to determine
35 state compliance with the Paul Wellstone and Pete Domenici
36 Mental Health Parity and Addiction Equity Act of 2008 and
37 enhance existing state parity laws; and
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39 BE IT FURTHER RESOLVED that the members of the working
40 group include the following members:
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- 42 (1) One member selected by the Governor;
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- 1 (2) One member of the Senate selected by the President of
- 2 the Senate;
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- 4 (3) One member of the House of Representatives selected by
- 5 the Speaker of the House of Representatives;
- 6
- 7 (4) One member selected by the Insurance Commissioner;
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- 9 (5) One member selected by the Director of Health;
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- 11 (6) One representative of the Hawaii Substance Abuse
- 12 Coalition;
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- 14 (7) At least one member who is a psychiatrist or
- 15 psychologist; and
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- 17 (8) At least one representative of a health insurance
- 18 provider regulated under chapter 431, article 10A,
- 19 Hawaii Revised Statutes; chapter 432, article I,
- 20 Hawaii Revised Statutes; or a managed care provider
- 21 regulated under chapter 432D, Hawaii Revised Statutes;
- 22 and

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24 BE IT FURTHER RESOLVED that the members of the working

25 group designate a chairperson from among the group's members;

26 and

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28 BE IT FURTHER RESOLVED that the working group is requested

29 to report the group's findings and recommendations, including

30 any proposed legislation, regarding the enhancement of existing

31 state parity laws and state compliance with the Paul Wellstone

32 and Pete Domenici Mental Health Parity and Addiction Equity Act

33 of 2008 to the Legislature no later than twenty days prior to

34 the convening of the Regular Session of 2013; and

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36 BE IT FURTHER RESOLVED that the Legislative Reference

37 Bureau is requested to assist the working group with drafting

38 legislation, if any, that the working group deems necessary as a

39 result of the group's findings and recommendations regarding

40 parity in the State; provided that the group submits a draft of

41 its proposals to the Legislative Reference Bureau for drafting

42 no later than November 1, 2012; and

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44 BE IT FURTHER RESOLVED that certified copies of this

45 Concurrent Resolution be transmitted to the Governor, Insurance



S.C.R. NO. 127

1 Commissioner, Director of Health, Director of the Legislative
2 Reference Bureau, and Hawaii Substance Abuse Coalition.
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OFFERED BY:

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