A BILL FOR AN ACT

RELATING TO CLINICAL VICTIM SUPPORT SERVICES.

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

SECTION 1. The legislature finds that sexual violence and abuse are extremely prevalent in the United States. One in six women and one in thirty-three men have experienced an attempted or completed rape in their lifetimes. One in four girls and one in six boys will be sexually abused before they turn eighteen. According to the federal Centers for Disease Control and Prevention, an estimated 43.9 per cent of women and 23.4 per cent of men have experienced forms of sexual violence other than rape within their lifetimes.

The legislature further finds that many sexual violence and abuse victims suffer conditions and disorders requiring clinical support and psychotherapy. Victims who were sexually assaulted during adulthood suffer post-traumatic stress disorder, depressive disorders, parasuicidal behaviors, and substance use disorders. Victims of childhood sexual abuse face psychological challenges at rates higher than people who have not experienced sexual abuse. Childhood sexual assault victims are three to
five times more likely to be diagnosed with post-traumatic
stress disorder, have fifty-two per cent higher rates of
lifetime depression, and experience increased rates of suicide,
self-harming behaviors, alcohol use, eating disorders, and
disruptions to developmental processes that lead to personality
disorders.

The legislature also finds that many sexual violence and
abuse victims have difficulty obtaining appropriate mental
health services from providers capable of addressing their
specific issues. Although victims need clinical victim support
services to treat mental disorders caused by sexual violence and
abuse, the services are often not covered by health insurers.

The legislature additionally finds that clinical victim
support services arguably fall within the existing definition of
"mental health outpatient services," which are already included
in policies offered by health insurers, mutual benefit
societies, fraternal benefit societies, and health maintenance
organizations. Therefore, section 23-51, Hawaii Revised
Statutes, which requires an impact assessment report by the
auditor prior to any new legislatively-mandated health insurance
coverage, does not apply.
The purpose of this Act is to improve mental health service availability for victims of sexual violence and abuse by clarifying that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

SECTION 2. Section 431M-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Clinical victim support services" means a professional intervention conducted by a licensed mental health provider to identify needs and assist in obtaining coordinated, appropriate services and resources for a victim of sexual violence and abuse to curtail or prevent the progression and worsening of mental disorders and associated functional impairments caused, in whole or in part, by the sexual violence and abuse. "Clinical victim support services" includes:
(1) Coordinating with other health care providers, such as primary care physicians, behavioral and mental health care providers, and hospitals;

(2) Assisting victims of sexual violence and abuse in obtaining appropriate government entitlements, access, insurance coverage, and other appropriate programs and services offered by government agencies and community organizations; and

(3) Coordinating with schools, employers, and other individuals and entities concerning a victim of sexual violence and abuse.

"Victim of sexual violence and abuse" means an individual who suffers from one or more mental disorders caused, in whole or in part, by sexual violence and abuse."

SECTION 3. Section 431M-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All individual and group policies of accident and health or sickness insurance [policies] issued in this State, individual or group hospital or medical service plan contracts, and nonprofit mutual benefit society, fraternal benefit society, and health maintenance organization health plan contracts shall
include within their hospital and medical coverage the benefits
of alcohol use disorder, substance use disorder, and mental
health treatment services, including services for alcohol
dependence and drug dependence and clinical victim support
services for victims of sexual violence and abuse, except that
this section shall not apply to insurance policies that are
issued solely for single diseases, or otherwise limited,
specialized coverage."

SECTION 4. Section 431M-4, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:

"(b) Mental illness benefits.

(1) Covered benefits for mental health services set forth
in this subsection shall be limited to coverage for
diagnosis and treatment of mental disorders. All
mental health services shall be provided under an
individualized treatment plan approved by a physician,
psychologist, licensed clinical social worker,
licensed marriage and family therapist, licensed
mental health counselor, advanced practice registered
nurse, or licensed dietitian treating eating
disorders, and must be reasonably expected to improve
the patient's condition. An individualized treatment plan approved by a licensed clinical social worker, licensed marriage and family therapist, licensed mental health counselor, advanced practice registered nurse, or a licensed dietitian treating eating disorders, for a patient already under the care or treatment of a physician or psychologist shall be done in consultation with the physician or psychologist;

(2) In-hospital and nonhospital residential mental health services as a covered benefit under this chapter shall be provided in a hospital or a nonhospital residential facility. The services to be covered shall include those services required for licensure and accreditation;

(3) Mental health partial hospitalization as a covered benefit under this chapter shall be provided by a hospital or a mental health outpatient facility. The services to be covered under this paragraph shall include those services required for licensure and accreditation; and
(4) Mental health outpatient services, including clinical victim support services, shall be a covered benefit under this chapter."

SECTION 5. Section 23-51, Hawaii Revised Statutes, shall not apply to this Act.

SECTION 6. Notwithstanding any other law to the contrary, the coverage and reimbursement for clinical victim support services for victims of sexual violence and abuse required under sections 3 and 4 of this Act shall also apply to all health benefit plans under chapter 87A, Hawaii Revised Statutes, issued, renewed, modified, altered, or amended on or after the effective date of this Act.

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

SECTION 8. This Act shall take effect on July 1, 2050.
Report Title:
Insurance; Benefits; Clinical Victim Support Services; Victims of Sexual Violence and Abuse

Description:
Clarifies that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations. (SB1036 HD1)

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