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# A BILL FOR AN ACT

RELATING TO MARRIAGE AND FAMILY THERAPY.

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

1           SECTION 1. Section 431M-1, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By adding a new definition to be appropriately inserted  
4 and to read:

5           "Marriage and family therapist" means a person licensed in  
6 marriage and family therapy practice pursuant to chapter 451J."

7           2. By amending the definitions of "alcohol or drug  
8 dependence outpatient services", "day treatment services",  
9 "mental health outpatient services", "partial hospitalization  
10 services", "qualified", and "treatment episode" to read:

11           "Alcohol or drug dependence outpatient services" means  
12 alcohol or drug dependence nonresidential treatment provided on  
13 an ambulatory basis to patients with alcohol or drug dependence  
14 problems that includes interventions prescribed and performed by  
15 qualified physicians, psychologists, licensed clinical social  
16 workers, marriage and family therapists, or advanced practice  
17 registered nurses. This definition shall not imply a broadening



1 of the scope of or granting of prescriptive authority  
2 privileges, except as otherwise allowed pursuant to chapter 457.

3 "Day treatment services" means treatment services provided  
4 by a hospital, mental health outpatient facility, or nonhospital  
5 facility to patients who, because of their conditions, require  
6 more than periodic hourly service. Day treatment services shall  
7 be prescribed by a physician, psychologist, licensed clinical  
8 social worker, marriage and family therapist, or advanced  
9 practice registered nurse, and carried out under the supervision  
10 of a physician, psychologist, licensed clinical social worker,  
11 marriage and family therapist, or advanced practice registered  
12 nurse. Day treatment services require less than twenty-four  
13 hours of care and a minimum of three hours in any one day.

14 "Mental health outpatient services" means mental health  
15 nonresidential treatment provided on an ambulatory basis to  
16 patients with mental illness that includes interventions  
17 prescribed and performed by a physician, psychologist, licensed  
18 clinical social worker, marriage and family therapist, or  
19 advanced practice registered nurse.

20 "Partial hospitalization services" means treatment  
21 services, including in-hospital treatment services or benefits,  
22 provided by a hospital or mental health outpatient facility to



1 patients who, because of their conditions, require more than  
2 periodic hourly service. Partial hospitalization services shall  
3 be prescribed by a physician or psychologist, and may be  
4 prescribed by a licensed clinical social worker, marriage and  
5 family therapist, or advanced practice registered nurse in  
6 consultation with a physician or psychologist [~~or an advanced~~  
7 ~~practice registered nurse in consultation with a physician or~~  
8 ~~psychologist~~]. Partial hospitalization services require less  
9 than twenty-four hours of care and a minimum of three hours in  
10 any one day.

11 "Qualified" means:

12 (1) Having skill in the diagnosis or treatment of  
13 substance use disorders, based on a practitioner's  
14 credentials, including but not limited to professional  
15 education, clinical training, licensure, board or  
16 other certification, clinical experience, letters of  
17 reference, other professional qualifications, and  
18 disciplinary action; or

19 (2) Being a licensed physician, psychologist, licensed  
20 clinical social worker, marriage and family therapist,  
21 or advanced practice registered nurse, and certified  
22 pursuant to chapter 321.



1 "Treatment episode" means one admission to an accredited  
2 hospital or nonhospital facility, or office of a qualified  
3 physician, psychologist, licensed clinical social worker,  
4 marriage and family therapist, or advanced practice registered  
5 nurse for treatment of alcohol or drug dependence, or both, as  
6 stipulated in a prescribed treatment plan and that would  
7 generally produce remission in those who complete the treatment.  
8 The prescribed treatment plan may include the provision of  
9 substance abuse services in more than one location and may  
10 include in-hospital, nonhospital residential, day treatment, or  
11 alcohol or drug dependence outpatient services, or any  
12 combination thereof. An admission for only detoxification  
13 services shall not constitute a treatment episode."

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

16 "(a) Covered benefits for alcohol dependence, drug  
17 dependence, or mental illness insurance policies, hospital or  
18 medical service plan contracts, and health maintenance  
19 organization health plan contracts shall be limited to those  
20 services certified by the insurance or health care plan  
21 carrier's physician, psychologist, licensed clinical social  
22 worker, marriage and family therapist, or advanced practice



1 registered nurse as medically or psychologically necessary at  
2 the least restrictive appropriate level of care."

3 SECTION 3. Section 431M-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§431M-4 Mental illness, alcohol and drug dependence**

6 **benefits.** (a) The covered benefit under this chapter shall not  
7 be less than thirty days of in-hospital services per year. Each  
8 day of in-hospital services may be exchanged for two days of  
9 nonhospital residential services, two days of partial  
10 hospitalization services, or two days of day treatment services.  
11 Visits to a physician, psychologist, licensed clinical social  
12 worker, marriage and family therapist, or advanced practice  
13 registered nurse shall not be less than thirty visits per year  
14 to hospital or nonhospital facilities or to mental health  
15 outpatient facilities for day treatment or partial  
16 hospitalization services. Each day of in-hospital services may  
17 also be exchanged for two outpatient visits under this chapter;  
18 provided that the patient's condition is such that the  
19 outpatient services would reasonably preclude hospitalization.  
20 The total covered benefit for outpatient services in subsections  
21 (b) and (c) shall not be less than twenty-four visits per year;  
22 provided that coverage of twelve of the twenty-four outpatient



1 visits shall apply only to the services under subsection (c).  
2 The other covered benefits under this chapter shall apply to any  
3 of the services in subsection (b) or (c). In the case of  
4 alcohol and drug dependence benefits, the insurance policy may  
5 limit the number of treatment episodes but may not limit the  
6 number to less than two treatment episodes per lifetime.  
7 Nothing in this section shall be construed to limit serious  
8 mental illness benefits.

9 (b) Alcohol and drug dependence benefits shall be as  
10 follows:

11 (1) Detoxification services as a covered benefit under  
12 this chapter shall be provided either in a hospital or  
13 in a nonhospital facility that has a written  
14 affiliation agreement with a hospital for emergency,  
15 medical, and mental health support services. The  
16 following services shall be covered under  
17 detoxification services:

- 18 (A) Room and board;
- 19 (B) Diagnostic x-rays;
- 20 (C) Laboratory testing; and
- 21 (D) Drugs, equipment use, special therapies, and  
22 supplies.



1 Detoxification services shall be included as part of  
2 the covered in-hospital services, but shall not be  
3 included in the treatment episode limitation, as  
4 specified in subsection (a);

- 5 (2) Alcohol or drug dependence treatment through  
6 in-hospital, nonhospital residential, or day treatment  
7 substance abuse services as a covered benefit under  
8 this chapter shall be provided in a hospital or  
9 nonhospital facility. Before a person qualifies to  
10 receive benefits under this subsection, a qualified  
11 physician, psychologist, licensed clinical social  
12 worker, marriage and family therapist, or advanced  
13 practice registered nurse shall determine that the  
14 person suffers from alcohol or drug dependence, or  
15 both; provided that the substance abuse services  
16 covered under this paragraph shall include those  
17 services that are required for licensure and  
18 accreditation and shall be included as part of the  
19 covered in-hospital services as specified in  
20 subsection (a). Excluded from alcohol or drug  
21 dependence treatment under this subsection are  
22 detoxification services and educational programs to



1           which drinking or drugged drivers are referred by the  
2           judicial system and services performed by mutual self-  
3           help groups;

- 4           (3) Alcohol or drug dependence outpatient services as a  
5           covered benefit under this chapter shall be provided  
6           under an individualized treatment plan approved by a  
7           qualified physician, psychologist, licensed clinical  
8           social worker, marriage and family therapist, or  
9           advanced practice registered nurse and shall be  
10          services reasonably expected to produce remission of  
11          the patient's condition. An individualized treatment  
12          plan approved by a marriage and family therapist,  
13          licensed clinical social worker, or an advanced  
14          practice registered nurse for a patient already under  
15          the care or treatment of a physician or psychologist  
16          shall be done in consultation with the physician or  
17          psychologist. Services covered under this paragraph  
18          shall be included as part of the covered outpatient  
19          services as specified in subsection (a); and
- 20          (4) Substance abuse assessments for alcohol or drug  
21          dependence as a covered benefit under this section for  
22          a child facing disciplinary action under section





1 302A-1134.6 shall be provided by a qualified  
2 physician, psychologist, licensed clinical social  
3 worker, advanced practice registered nurse, or  
4 certified substance abuse counselor. The certified  
5 substance abuse counselor shall be employed by a  
6 hospital or nonhospital facility providing substance  
7 abuse services. The substance abuse assessment shall  
8 evaluate the suitability for substance abuse treatment  
9 and placement in an appropriate treatment setting.

10 (c) Mental illness benefits.

11 (1) Covered benefits for mental health services set forth  
12 in this subsection shall be limited to coverage for  
13 diagnosis and treatment of mental disorders. All  
14 mental health services shall be provided under an  
15 individualized treatment plan approved by a physician,  
16 psychologist, licensed clinical social worker,  
17 marriage and family therapist, or advanced practice  
18 registered nurse and ~~must~~ shall be reasonably  
19 expected to improve the patient's condition. An  
20 individualized treatment plan approved by a licensed  
21 clinical social worker, marriage and family therapist,  
22 or an advanced practice registered nurse for a patient



1 already under the care or treatment of a physician or  
2 psychologist shall be done in consultation with the  
3 physician or psychologist;

4 (2) In-hospital and nonhospital residential mental health  
5 services as a covered benefit under this chapter shall  
6 be provided in a hospital or a nonhospital residential  
7 facility. The services to be covered shall include  
8 those services required for licensure and  
9 accreditation, and shall be included as part of the  
10 covered in-hospital services as specified in  
11 subsection (a);

12 (3) Mental health partial hospitalization as a covered  
13 benefit under this chapter shall be provided by a  
14 hospital or a mental health outpatient facility. The  
15 services to be covered under this paragraph shall  
16 include those services required for licensure and  
17 accreditation and shall be included as part of the  
18 covered in-hospital services as specified in  
19 subsection (a); and

20 (4) Mental health outpatient services shall be a covered  
21 benefit under this chapter and shall be included as



1           part of the covered outpatient services as specified  
2           in subsection (a)."

3           SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: Randy H. Baker  
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**Report Title:**

Marriage & Family Therapy; Mental Illness, Substance Abuse

**Description:**

Includes marriage and family therapy among mental illness, alcohol and drug dependence benefits required within the hospital and medical coverage offered under accident and sickness insurance policies and similar insurance products.

