Testimony to the Twenty-Fourth Legislature, 2008 Session

House Committee on Health
The Honorable Josh Green, M.D., Chair
The Honorable John Mizuno, Vice Chair

Wednesday, February 6, 2008, 11:45 a.m.
State Capitol, Conference Room 329

by
Russell Tellio
Court Administrator
First Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2385, Relating to Juries

Purpose: Adds a jury service exemption for actively practicing psychologists.

Judiciary's Position:

The Judiciary opposes this measure's proposal to add an exemption from jury service for psychologists.

It is State policy that all qualified citizens have an obligation to serve as jurors, Hawaii Revised Statutes Section 612-1. Jury service is a fundamental obligation of citizenship, which promotes the ideals of democracy and equality in our society. The selection of a jury from a representative cross-section of the population is critical to our justice system. Indeed, over 25 years ago, the U.S. Supreme Court, in *Taylor v. Louisiana*[1], found that, "Community participation in the administration of the criminal law...is not only consistent with our democratic heritage but is also critical to public confidence in the fairness of the criminal justice system. Restricting jury service to only special groups or excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of jury trial."

[1] 419 U.S. 522 (1975).

In 1998, Chief Justice Ronald T.Y. Moon convened the Hawaii Committee on Jury Innovations for the 21st Century consisting of almost 30 judges, administrators, legislators, attorneys, and former jurors. Pursuant to House Concurrent Resolution No. 177, Session Laws of Hawaii 1998, a Sub-Committee on Juror Fees (the Committee) studied, among other things, the issue of juror exemptions. The Committee recommended that § 612-6, HRS, should be amended by deleting all exemptions except for jurors who have served within the last year.

In making its recommendations, the Committee found that the majority of the states have two or fewer juror exemptions. And of these states, at least 24 have no exemptions at all. In contrast, Hawaii currently exempts elected officials; judges of the United States, State, or County; physicians; members of the armed forces or militia; police officers; fire fighters; people who have served as jurors within one year; people who live more than 70 miles from the court; and people who are eighty years or older.

In 1993, the American Bar Association (ABA) recommended that, "The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction."[2]

If the Committee is so inclined to pass this measure, we respectfully request a delayed effective date of July 1, 2009 to allow the Judiciary sufficient time to prepare for the change in the law (i.e., bidding and purchase process for revised juror questionnaire forms begins in April).

Thank you for the opportunity to provide comments on this measure.

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[2] Standards Relating to Juror Use and Management, American Bar Association, Judicial Administration Division, Committee on Jury Standards, 1993, at 3.

THE LEAGUE OF WOMEN VOTERS OF HAWAII

49 SOUTH HOTEL STREET, ROOM 314 HONOLULU, HAWAII 96813 PHONE: (808) 531-7448 EMAIL: voters@lwv-hawaii.com

Testimony on H.B. 2385 Relating to Juries

Committee on Health
Wednesday, February 6, 2008
11:45 a.m. Conference Room 329

Testifier: JoAnn Maruoka, Legislative Team member, League of Women Voters of Hawaii

Chair Green, Vice Chair Mizuno, and members,

The League of Women Voters opposes H.B. 2385, as we do its companion S.B. 2064, to add psychologists as yet another group that is exempt from jury service. We do not believe that it is in the best interest of the public to automatically grant a blanket exemption to psychologists. The existing process allows people with valid reasons to be excused from jury duty, and we feel this is sufficient. There does not appear to be a sound reason for this additional exemption.

Rather, we believe the need is for a broad and diverse jury pool comprised of all citizens who are qualified to serve. This is certainly of great importance to litigants. It also helps ensure that citizens have an equal opportunity to serve their community by participating in the trial process. After all, jury service represents one of our most important civic responsibilities as citizens.

As of January 1, 2008 New York State repealed all 27 former exemptions and disqualifications for jury duty, which included doctors, dentists, and psychologists, as well as clergymen, lawyers, elected officials, judges and others. The New York legislation, sponsored by the state senator who chairs the Senate Judiciary Committee, is expected to increase the pool of potential jurors in the state, by number and by professions represented, and to effectively increase fairness. In 2006, Indiana made a legislative change to drop all exemptions that previously allowed entire categories of people to avoid jury service, and the Indiana Chief Justice said that the change means that Indiana's juries will include a more representative group of people than ever before. The New York and Indiana examples may indicate that states are rethinking their jury exemptions. In any case, we certainly believe that Hawaii should not further reduce its jury pool by adding an exemption for psychologists.

We urge you to hold H.B. 2385. Thank you for the opportunity to testify.

New York: The legislation, which was sponsored by State Senator James J. Lack who chairs the Senate Judiciary Committee, should have the effect of increasing the pool of potential jurors in the state, both by number and by the professions represented. As Sen Lack said, "It is a civic duty. This is America. It's a democracy. And within our judicial system you are entitled to a jury of your peers in civil and criminal matters. And that should be a reality."

The repeal of exemptions is particularly important in Nassau and Suffolk Counties, say the Commissioners of Jurors in both counties, more so than in other parts of New York State, because as many as one-third of Long Island's residents have been exempt from jury duty because of their white-collar professions, particularly doctors, dentists and lawyers. Both counties, they say, have high percentages of these professions represented.

"The effect here in Nassau was particularly devastating," Commissioner DeVivo said. "That caused many, many people to have to serve more often. Besides the fact, our jury panels were lacking in a particular significant group, highly educated professional people."

Michael O'Donohoe, Commissioner of Jurors in Suffolk County, said under the old exemptions, Suffolk also lost a third of all potential jurors. "This broadens the base of jurors," he said of the new law. "It's a better reflection of what we're made up of."

Some of the professions that used to provide people with exemptions and disqualifications before last week, but which are no longer exempt or disqualified, are doctors, dentists, pharmacists, optometrists, clergymen, lawyers, elected officials, judges, nurses, psychologists, podiatrists, embalmers, physical therapists and members of the armed forces.

Indiana: A key part of the measure is the removal of all exemptions that previously allowed entire categories of people, even ferry boat operators, to avoid jury service. Those categories included people over 65, veterinarians, dentists, law enforcement officers, legislators, armed services personnel, elected or appointed government officials, Indianapolis Public School Board members, firefighters, and corrections officers. Ferry boat operators had enjoyed the exemption since 1881 but now the boatmen and the others will lose their automatic exemption

mizuno1-Edgar

From: Sara Farnham [farnham@hawaii.rr.com]
Sent: Monday, February 04, 2008 9:32 PM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 4, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. **Lack of coverage can also be a problem when there are so few specialists here in Hawaii. One of my main areas of expertise is pediatric neuropsychology. Although I have two colleagues here at Queen's, we cover a wide variety of duties, and neither of the others can see children.** Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Sara Farnham, Ph.D.
Staff Neuropsychologist
Queen's Medical Center

Bradley T. Klontz, Psy.D.

P.O. Box 529
Kapaa, HI 9674

February 4, 2008

House Health Committee

RE: TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

Hearing Date: February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee,

I would like to provide testimony in support of House Bill 2385. Most psychological practices involve services from one provider. This is certainly the case in my position as an independent contractor with the Department of Education on Kauai. Given the very personal nature of our work, it is very difficult to refer clients to other psychologists during our absences, as most patients do not want to meet with different providers given the nature of the therapeutic relationship. Furthermore, as a neighbor island psychologist, it is very difficult to find coverage anyway. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. Of course psychologists take vacations, but we care to plan for vacations. Patients are aware of when these breaks in service will occur and have time to prepare mentally and emotionally for them. Additionally, I and other psychologists typically limit our vacations both in length and in frequency. Requests for jury duty come at unexpected times and for unknown durations, and as such are very disruptive to patient care. While a majority of Hawai'i psychologists feel jury duty is an important responsibility, most agree that this duty can cause significant disruptions in service and can negatively affect the mental health of our clients. For this reason, I know that many other states have exempted psychologists for jury duty.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we take on severe cases of mental illness, for which regular, consistent, and reliable treatment is a necessary step to provide care to patients' to avoid deterioration and/or hospitalization. Please give us this exemption to allow us to serve the residents of Hawai'I as they need to be served.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Bradley T. Klontz, Psy.D.
HI Licensed Clinical Psychologist

ROBIN E. S. MIYAMOTO, PSY.D.
2226 LILIHA STREET, SUITE 306
HONOLULU, HAWAII 96817
TEL (808) 531-5711 FAX (808) 531-5722

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, my name is Dr. Robin Miyamoto, immediate past-President of Hawaii Psychological Association. I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Robin E. S. Miyamoto, Psy.D.
Clinical Psychologist
Immediate Past-President, Hawaii Psychological Association

mizuno1-Edgar

From: June Ching [junewching@hawaii.rr.com]
Sent: Monday, February 04, 2008 6:35 PM
To: HLTtestimony
Subject: TESTIMONY IN SUPPORT OF HB 2385

Importance: High

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,
June W. J. Ching, Ph.D., ABPP
Board Certified Clinical Psychologist
Licensed Hawaii

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

The practice of psychology requires the development of a strong interpersonal relationship between patient and provider. Productive therapy requires a therapeutic alliance that is based on the development of rapport and trust. For many patients the process of developing a therapeutic alliance may take weeks, sometimes even months. A disruption of therapy, even if somehow covered by another provider, may be a considerable setback for the patient. The ability of a psychologist to secure coverage for patient care is limited. This is due to several factors including a shortage of mental health providers, sensitive nature of the work, and likelihood of remote practice settings including O'ahu's rural areas and the neighbor islands.

Although Jury Duty is an important and vital civic duty and psychological expertise may provide a benefit to the judicial process, the benefits of psychologists providing jury duty is outweighed by the cost to the patients and through them to the society at-large.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Halona W Tanner, Psy.D.
Behavioral Health Director
Ko'olauloa Community Health and Wellness Center
PO Box 395
Kahuku, Hi 96731
Ph: 808-293-9216
Fax: 808-293-1171

May Mizuno

From: Tyler Ralston [kahalas@hawaii.rr.com]
Sent: Thursday, January 31, 2008 8:54 PM
To: HLTtestimony
Subject: Testimony in support of HB2385

Testimony from Tyler C. Ralston, PsyD in support of HB2385
President
CBT, Inc.
House Committee on Health
Hearing: Wednesday, February 6, 2008

Dear Chair Green, Vice Chair Mizuno, and members of the Committee on Health,

I write to express my strong support for HB2385, allowing psychologists exemption from jury duty. I am an actively practicing psychologist, and as such, can testify that time away from my clients would have a largely negative effect on my clients' well-being. Psychology clients often require weekly appointments for at least a month or two. Frequent and regular appointments are an important part of therapy and critical to building and maintaining momentum toward positive outcomes. It's not uncommon for a person struggling with a psychological difficulty to take months or years to work up enough courage to seek help. Once they make it to the psychologist's office, interruption in services initiated by the psychologist could be detrimental.

Thank you for considering the importance of continuity of care. Please support HB2385.

Sincerely,
Tyler C. Ralston, Psy.D.
Licensed Clinical Psychologist
Cognitive Behavioral Therapy, Inc.
PO Box 10528
Honolulu Hawaii 96816
PH. 808-358-2982

May Mizuno

From: Melissa Lindsay [MLindsay@hawaii.rr.com]
Sent: Thursday, January 31, 2008 10:51 PM
To: HLTtestimony
Subject: Testimony re HB 2385

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries
February 6, 2008, 8:30 am-noon

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

I am a Clinical Psychologist in private practice, with a specialization in working with post traumatic stress disorder, particularly that associated with people who have suffered chronic abuse as children. Because of the extremely personal nature of the content of therapy sessions, a necessary condition of treatment in order to establish and maintain a sense of safety is the reliability and consistency of the therapist. Planned absences of the therapist are often difficult for the client, who can in some cases experience an overwhelming sense of abandonment and become suicidal, at times requiring hospitalization. An unplanned, prolonged absence has the potential of reversing the progress made in therapy, and rupturing the therapeutic bond that the client has with the therapist. A client who, with support, may successfully hold a moderately stressful job, may have a "breakdown" or become physically ill without that support. And, due to the extremely personal nature of the therapy, such a client will often not accept an alternate therapist.

These scenarios do not represent the majority of therapeutic situations, but there is a significant number of therapists who have clients for whom an absence such as would be required by a call to jury duty would cause harm to the client. I would therefore ask you to support an exemption from jury duty for psychologists.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,
Melissa R. Lindsay, PsyD
Hawaii Licensed Psychologist

May Mizuno

From: tkaphd@aol.com
Sent: Tuesday, February 05, 2008 11:21 AM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 8, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person operation. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem for me on the Big Island where I am the sole licensed clinical psychologist in the Puna distrit with a population of over 40,000 people. It is already a challenge to meet the needs of my community without having addtional disruptions in their care.

Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony ini suppoort of HB 2385.

Respectfully Submitted,
Timothy K. Ambrose
Licensed Clinical Psychologist
P.O. Box 1476
Pahoa, HI 96778
(808)965-9416 Office
(808)965-1661 Fax

mizuno1-Edgar

From: Jeffrey Stern [jstern@hawaii.edu]
Sent: Tuesday, February 05, 2008 12:17 PM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385

Relating to Juries

February 5, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care, that can, at times, be critical.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Jeffrey D. Stern, Ph.D.
Licensed Clinical Psychologist

mizuno1-Edgar

From: hgupton@aol.com
Sent: Tuesday, February 05, 2008 12:12 PM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 8, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

I urge the Committee's support of House Bill 2385, exempting practicing clinical psychologists from jury duty. The point has been made that the nature of professional psychological services is highly personal, private, and often very delicate and timely. Unlike medical practice, changing or substituting providers, once a therapeutic relationship has been established, is not the standard of practice and can be counterproductive. While, like any other sole proprietor, any interruption in work generally means only cash flow out, interruption in availability to patients also means no patient care to a population already underserved. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health professional for miles and the only person available for crisis intervention.

While I agree that jury duty is an obligation and an important responsibility, I also believe that providing continuous and timely patient care serves the greater good.

I would be grateful for your favorable consideration.

Respectfully submitted,

Herbert M. Gupton, Ph.D., ABPP
98-084 Kamehameha Hwy, Suite 306
Aiea, HI 96701
808-484-1190

Na Pu`uwai
Native Hawaiian Health Care System
PO Box 130 Kaunakakai, Hawaii 96748
(808) 560-3653 • Fax (808) 560-3385

Na Pu`uwai Fitness Center (808) 553-5848 • Na Pu`uwai Clinical Services: (808) 553-8288 • Fax (808) 553-8277
• Ke Ola Hou O Lana`i • PO Box 630713 Lana`i City, Hawaii 96763 • (808) 565-7204 • Fax (808) 565-9319

TO: Representative Josh Green, MD, Chair
Representative John Mizuno, Vice Chair
Members of the House Committee on Health

FROM: Dr. Jill Oliveira, Licensed Clinical Psychologist

DATE: February 8, 2008

RE: **TESTIMONY IN SUPPORT OF HB 2385**
Relating to Juries

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385. I have worked as a rural psychologist on the island of Molokai since 2003. I know first hand the challenges involved with addressing the significant mental health needs in rural areas, in particular, due to the severe mental health provider shortages. Finding anyone to cover for a psychologist who has been an N of 1 for the last five years in a rural area is near impossible. I have never taken a vacation of more than 4 days due to the fact that I simply have no coverage and cannot in good faith leave patients who are in need of ongoing care for extended periods of time. This is why I am in support of this measure.

Any type of Psychology practice, however, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Jill Oliveira, Ph.D.
Hawaii Licensed Clinical Psychologist
Director, Behavioral Health Program
Na Pu`uwai, Clinical Services

000238

May Mizuno

From: Christopher, Michael [mchristopher@honolulu.gov]

Sent: Tuesday, February 05, 2008 11:49 AM

To: Rep. Maile Shimabukuro; Rep. Rida Cabanilla; Rep. James Tokioka; Rep. Della Belatti; Gene Ward Ph. D. (Business Fax); Rep. Joe Bertram III; Rep. John Mizuno; repgreen@capital.hawaii.gov; Rep. Karen Awana; Rep. Karl Rhoads

Subject: HB2385

Dear Health Committee Chair, Vice Chair and Members,

Please accept my testimony regarding HB2385.

Sincerely,

Michael E. Christopher, Psy.D., Ph.D.
Hawaii Psychological Association
Legislative Committee Chair

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Tammie A. Kim, Psy.D., CSAC
Licensed Clinical Psychologist
Waianae/Kahala

May Mizuno

From: Michael Bridge [mb@michaelbridge.net]
Sent: Thursday, February 07, 2008 9:19 AM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 8, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

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Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Michael Bridge, Ph.D
1188 Bishop Street, Suite 2605
526-2605
HI PSY 360

May Mizuno

From: cd [waffleschip@yahoo.com]
Sent: Thursday, February 07, 2008 11:04 AM
To: HLTtestimony
Subject: Testimony for HB2385 and HB2411

Please note that this a corrected copy which changes the hearing date from 2007 to 2008:

Committee comments are directed to:
-Committee on Health. Rep Josh Green, Chair
-Committee on Human Services and Housing, Rep Maile Shimabukuro, Chair

Date and Time of hearing:
Friday, February 8, 2008 at 8:00 am.

Measure and Number:

HB 2385
HB 2411

Representatives Green and Shimabukuro,

On Friday, February 08, 2008 HB2385 and HB2411 will be heard in your committees. I am hoping that these committees will closely consider the proactive merits of these issues and move them forward for passage. Both bills have the opportunity to enhance continuity of care for behavioral health issues confronting the community. Additionally, passage of these bills will have a significant impact in rural communities throughout the state who appear to experience higher than normal incidences of mood disorders and pervasive intergenerational health problems. Mahalo for your consideration of these bills which will move Hawai`i to the forefront of innovative behavioral health care.

Cindi Dang, Psy.D.

mizuno1-Edgar

From: Yanagida, Evie [EvieY@kapiolani.org]
Sent: Thursday, February 07, 2008 9:06 AM
To: HLTtestimony
Subject: Testimony in Support of HB 2385

To the Honorable Chair and members of the committee:

My name is Evelyn Yanagida and I am a licensed psychologist who works at the Sex Abuse Treatment Center (SATC). I also see patients in my private practice. I understand that on Friday, February 8th at 8:00 a.m. you will conduct a hearing on HB 2385 which proposes to exempt psychologists from jury duty. I would like to provide testimony in full support of House Bill 2385.

As the program manager for therapy services delivered at SATC, it is a hardship for our high risk clients to miss their regularly scheduled appointments with our psychologists. Our patients, which include children, adolescents and adults, are in an acute state of crisis in the aftermath of a sexual assault. Our psychologists are on call 24 hours a day/7 days a week and if they are unavailable, patients can easily decompensate, negatively impacting their recovery. Given the sensitive nature of the work we do, it is not feasible to find coverage as patients are rarely willing to meet with another provider in our absence I have been called several times for jury duty and while never selected, feel it is an important civic responsibility. However, I do not wish to compromise the care of my patients and jury duty creates significant disruptions in patient care.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Evelyn H. Yanagida, Ph.D.
Clinical Program Manager
Sex Abuse Treatment Center
55 Merchant St., 22nd Floor
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mizuno1-Edgar

From: Kate Brown [KSBROWN@hawaii.rr.com]
Sent: Thursday, February 07, 2008 6:28 AM
To: HLTtestimony
Subject: Testimony in support of HB 2385

Submitter: Kathleen S. Brown, Ph.D.
Committee: House Heath Committee
Hearing: Friday, February 8, 8:00am
Measure #: HB2385
5 copies

TESTIMONY IN SUPPORT OF HB 2385

Relating to Juries

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Due to the individual nature of the practice of psychology, it is often difficult to re-schedule patients or shift appointments to another provider as there is no capacity for locum tenens providers as there is for physicians. Given confidentiality concerns and the sensitive nature of the work we do, most patients do not want to meet with a different provider in our absence. Psychologists do take leave, but these can be planned for and are typically limited in duration so as not to disrupt continuity of care. When a psychologist is called for jury duty, this results in disruption to patient care.

The mental health needs in Hawaii are profound and the shortage of providers has been well documented. Unplanned absences from practice interrupts the continuity of care of patients as well as lengthens the backlog of individuals to be seen. I believe, as most other psychologists do, that it is our civic responsibility to participate in our jury system. It is the unexpected and unplanned nature of this call to jury duty that becomes problematic in serving the needs of our patients. Please allow this exemption to permit us to continue to provide continuity of care for the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Kathleen S. Brown, Ph.D.

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Aiea, Hawaii 96701

807-778-3478

mizuno1-Edgar

From: Dawn Pang [dawnpm@hawaii.rr.com]
Sent: Wednesday, February 06, 2008 6:30 PM
To: HLTtestimony
Subject: Testimony in Support of HB 2385

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

Honorable Chair Green, Vice Chair Mizuno, and Members of the Committee:

I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice is frequently done as an individual, whether or not it is in an office or group practice. Given the sensitive nature of the work done, it is difficult to find locums tenens for ongoing care because most patients do not want to meet with a different provider in our absence. Even in a government setting, the unique work done cannot be covered by other professionals, and there is often only a single psychologist in a setting. Psychologists have testified in the legislature citing the shortage of mental health providers, particularly in the rural and underserved areas. We are assuming more severe cases of mental illness, especially with the movement to maintain patients in the community, and regular treatment is a necessary step to avoid worse problems. The shortage of psychologists also compounds the difficulty. While many psychologists feel that jury duty is an important social responsibility, this is balanced by interruption in patient care as a concern. Please allow us this exemption as we continue to serve the residents of Hawaii. Thank you.

Dawn Pang, Ph.D.
Clinical Psychologist
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May Mizuno

From: mkohr23250@aol.com
Sent: Thursday, February 07, 2008 12:49 PM
To: HLTtestimony
Subject: Testimony

TESTIMONY IN SUPPORT OF HB 2385
Relating to Juries

February 6, 2008

Honorable Chair Green, Vice Chair Mizuno and members of the committee, I would like to provide testimony in support of House Bill 2385.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully submitted,

Melinda Kohr, Ph.D.
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May Mizuno

From: Catherine Pinson [cpinson@hawaii.edu]
Sent: Thursday, February 07, 2008 1:16 PM
To: HLTtestimony
Subject: HB 2385 testimony

TO: House Health Committee
Hearing on February 8, 2008

TESTIMONY IN SUPPORT OF HB 2385

Relating to Juries

Honorable Chair Green, Vice Chair Mizuno, and members of the committee, I would like to provide testimony in support of House Bill 2385.

While psychologists have a civil duty as citizens to participate in the judicial process and dedicate their knowledge and unique insight to juries, this commitment often comes in conflict to their professional and ethical duty to provide reliable and continuous service to clients. Hawaii's psychologists are often responsible for the treatment of citizens with severe mental illness, substance abuse, or other mental health problems that may pose risk to themselves and/or the community. Given that many patient populations served by psychologists can be both difficult to engage in treatment and vulnerable to mental health crisis and/or suicide, accessibility and continuity of psychological treatment are essential.

Jury service encumbers the accessibility of psychologists to clients and often prohibits them from averting or intervening mental health crises, and the result can be otherwise avoidable psychiatric hospitalization and other deleterious consequences. In addition, individuals with severe mental illness are at a significantly increased risk of law enforcement contact due to symptoms of mental illness. When treating psychologists are unavailable to respond to client crisis episodes, the responsibility often falls on police officers in the community, who are generally not appropriately trained in this capacity, and the result could be the arrest or psychiatric hospitalization of individuals with mental illness.

Furthermore, psychologists who work for Hawaii's public mental health system, or otherwise serve individuals with severe mental illness, tend to treat a particularly impoverished patient population. Often these patients are homeless or do not have telephone numbers, thus making rescheduling extremely difficult when a psychologist is required to serve on a jury. Hawaii's psychologists have an overriding responsibility to ensure that vulnerable and traditionally underserved individuals in the community maintain quality mental health care and do not "fall through the cracks."

In addition, many psychologists in Hawaii are responsible for the training and supervision of graduate students or other developing professionals employed in clinical service. As a graduate student in clinical psychology, I have been reliant on the consultation and assistance of supervising psychologists in the event of client crisis or other challenges beyond my realm of professional experience. The unavailability of supervising psychologists to assist in emergencies poses additional risk to the safety and wellbeing of both clients and graduate students.

Thank you for your consideration of my testimony in support of House Bill 2385.

Respectfully submitted,

Catherine Pinson
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