

LATE TESTIMONY

SB 2159 RELATING TO PROFESSIONS
House Commerce and Consumer Protection Committee
Rep. Robert N. Herkes, M.D., Chair
Rep. Angus L. K. McKelvey, Vice Chair

Please Support This Bill

Passage of Senate Bill 2159 would enable mental health counselors in the State of Hawaii to continue to be licensed as part of our state's health-care system. The initial Mental Health Counselors Licensure Law that was passed several years ago began the process where these professionals could become licensed in the state. Since that time there has not only been no complaints about the services provided by these licensed professionals, but these individuals have assisted in addressing the growing need for mental health care in the State of Hawaii.

The following points are provided to further address the reason why it is important to support the passage of SB Bill 2159.

1. **Licensed Mental Health Counselors will strengthen the quality of care provided by the mental health-care system in Hawaii:** Recent court actions that focus on complaints that have been directed at the Hawaii State Department of Mental Health indicate that the state's mental health-care system is in need of additional qualified professionals to effectively meet the mental health needs of the people in Hawaii. Continuing the Hawaii Mental Health Counselors Licensure Law by having the existing "sunset provision" deleted will help ensure that additional mental health professionals that are available to support the mission of the Hawaii Department of Mental Health.
2. **Addressing the needs of children and adolescents:** The need for additional mental health professionals to address the needs of children and adolescents has been acknowledged by persons in the Hawaii Department of Health. Given the training mental health counselors receive in providing effective mental health-care to children and adolescents, the continuation of the Hawaii Mental Health Counselors Licensure law will enable these qualified professionals to address the needs of many children and adolescents in Hawaii.
3. **Meeting the needs of veterans in Hawaii:** Thousands of veterans are returning to Hawaii from the War in Iraq and occupation in Afghanistan experiencing a broad range of physical and mental health problems. This includes large numbers of veterans diagnosed with post-traumatic stress disorder that is adversely impacting their own lives as well as the lives of family members with whom they live. Continuing the Hawaii Mental Health Counselors Licensure Law will enable

qualified mental health counselors to join with other professionals to address the psychological needs of these veterans and their families.

4. **Cultural Competence:** One of the important considerations to address in considering the qualifications of mental health professionals is the level of cultural competence they have achieved in their professional training. The counselor training programs in Hawaii emphasize cultural competence throughout their curriculum. National surveys have indicated that the counselor training program at the University of Hawaii is rated in the top five programs in the United States in terms of promoting counselors' cultural competence. In short, the mental health counselors, who graduate from professional counseling programs in Hawaii, are well-prepared as culturally-competent mental health professionals.
5. **Addressing the "Ice epidemic":** The media continues to direct attention to the significant substance abuse (e.g., alcohol and drug abuse) problem in Hawaii in general and the negative affect of the "Ice epidemic" in particular. Licensed mental health counselors play an important role in providing the mental health counseling services that are essential in helping persons overcome their drug and alcohol problems across the state..
6. **Dealing with rising rates of violence in Hawaii:** Mental health counselors receive training in their graduate programs as well as in on-going professional development workshops that focus on ways in which they can effectively implement violence prevention interventions as well as working with the victims of violence in our community. The work these health-care professionals do in these areas are very important in light of the rising level of violence that is occurring in the State of Hawaii.
7. **Addressing the needs of the growing number of homeless adults and children in Hawaii:** Mental health counselors are trained to provide services that address the psycho-social needs of the growing number of homeless persons in Hawaii. The counseling department in the University of Hawaii has a faculty member whose research, writings, teachings, and interventions for homeless persons is recognized nationally for their efficacy in this area. The resources generated from this faculty member and other members of the faculty in different training programs in Hawaii assist in developing counselors whose professional competencies include the knowledge and skills that are necessary to work effectively with homeless persons.
8. **Supporting the mental health of persons in rural areas in Hawaii:** The Mental Health-Care system in Hawaii continues to lack the resources that are necessary to provide high quality mental health-care services that are affordable and easily accessible to persons in rural parts of Hawaii. Supporting the continuation of the Hawaii Mental Health Counselors Licensure Law would enable a qualified resource pool of mental health professionals to help address the problems that many persons living in rural parts of the state routinely experience in their lives.

9. **Complementing the work of psychiatrists who prescribe medications to clients:** It is commonly known that, while many psychiatrists work hard to address the medical needs of their clients by assessing the need for and prescribing medication for their clients, these mental health professionals do not direct as much time implementing more time-consuming therapies. Many consumers in Hawaii recognize this situation and seek out the assistance of mental health counselors who are trained in providing the more time consuming therapies that are necessary in promoting effective psychological outcomes. By continuing the Hawaii Mental Health Counselors Licensure Law, the people in this state will have the opportunity to secure the services of professionals who can help provide a more comprehensive approach to mental health-care.

10. **Addressing the needs of persons on the neighbor islands:** Many persons on the neighbor islands complain that they are often overlooked when it comes to allocation of different health-care services to address their needs. This includes the articulation of concerns about the limited health-care resources available on the neighbor islands. Recognizing that many licensed mental health counselors in Hawaii are working on the neighbor islands, continuing the current Mental Health Counselors Licensure Law in the state would help address the needs of many persons would seek the services of these qualified professionals.

11. **Guaranteeing the continued quality of mental health-care in Hawaii:** One of the important functions the Hawaii Mental Health Counselors Licensure Law serves is to guarantee that high quality mental health-care services are provided to the people in this state by professionals who meet the established criteria for licensure. The deletion of the existing “sunset provision” in the current law would enable qualified mental health counselors to become licensed and ensure that high quality mental health-care services will continue to be offered to the people of Hawaii by these professionals.

For all of these reasons I seek your support in ensuring the passage of SB 2159 Relating to Professions.

Dr. Michael D’Andrea
President of the Hawaii Counselors Association
And
Professor in the
Department of Counselor Education
At the University of Hawaii

**Maureen Sullivan Riley, MS, MPH
528 Ka'anini Circle
Hilo, Hawaii 96720**

DATE: March 24, 2008

TO: The Honorable Representative Robert N. Herkes, Chair; The Honorable Representative Angus L. K. McKelvey, Vice – Chair and Members of the Committee on Consumer Protection and Commerce

FROM: **Maureen Sullivan Riley**
Student, Masters in Counseling Psychology
Lmriley88@aol.com
(808) 345-8477

RE: SB 2159 HD1, Relating to Professions

LATE TESTIMONY

Thank you for the opportunity to provide testimony.

I am testifying in strong support of SB 2159 HD1.

I am currently a Masters student at UH Hilo in the Counseling Psychology Program. My intention is to combine my background in Public Health with a degree in counseling psychology in order to broaden my knowledge base in mental health services.

For me, the most critical issue to look at in terms of healthcare is access to services. As a resident of the Big Island, I see the dire need for qualified mental health counselors first hand. Access to quality mental health counselors is a critical component of the provision of health services to a population.

Towards this end, I strongly support the continued licensure and provisions for vendorship for qualified mental health counselors.

I strongly encourage you to pass SB 2159 HD1 out of the Committee on Consumer Protection and Commerce as it will be of benefit to the people of Hawaii.

98-1461 #4 Kamahao Street
Pearl City, HI 96782

March 24, 2008

LATE TESTIMONY

The Honorable Representative Robert N. Herkes, Chair
The Honorable Representative Angus L. K. McKelvey, Vice-Chair
Members of the Committee on Consumer Protection and Commerce

Dear Representatives Herkes and McKelvey and Committee Members:

Thank you for the opportunity to provide testimony.

I am testifying in strong support of S.B. 2159, H.D. 1, Relating to Professions.

Consumer protection laws give legal teeth to protect citizens. Sadly, in today's world we can never assume that "professional people" will conduct themselves according to their profession's Code of Ethics. Mental health counselors deal with a vulnerable population who are oftentimes incapable of making good decisions on their own behalf. Such vulnerability requires that consumers have regulatory recourse should they be harmed.

I strongly encourage you to pass S.B. 2159 out of the Committee on Consumer Protection and Commerce. The people of Hawaii would benefit from this measure.

Sincerely,

Diane S. Sakumoto, M.Ed.

Certified Rehabilitation Counselor
Past President of Rehabilitation Association of Hawaii
Past President of Hawaii Rehabilitation Counseling Association



School Based Behavioral Health

LATE TESTIMONY

Date: March 24, 2008

To:

From: Rosemary Lum de Costa, LMHC, NCC, MSCP, BHS

Re: SB 2159,

Aloha

My name is Rosemary Lum de Costa. I was born in Honolulu, on the Island of Oahu. I want to thank you very much for giving me this opportunity to provide testimony in support of SB 2159.

- **In the State of Hawaii, the public's access to mental health care services is severely limited** within Medicare, Medicaid, and Quest Guidelines. Since "licensed" providers are recognized by Medicare, Medicaid, and Quest and "certified" providers are not, it is essential to the public, especially those with limited means that Mental Health Counselors be licensed.
- **What happens if the public does not have access to Mental Health Services? Work productivity goes down, more people are homeless or in jail,** health outcomes with people with heart disease, chronic pain, cancer, etc. go down and the need for medical care including hospitalization goes up (from information developed by the Coalition for Insurance Party, Jan.12,2000).
- **In 2002, the National Mental Health Information Center reported an estimated 148, 947 individuals use in the State Of Hawaii between the ages of 9-17, had serious emotional disturbances and the numbers only continue to increase because of the shortage of affordable health care services in our rural communities and in our urban** communities as well. This alarming number also does not include those uses that are homeless or institutionalized.
- **The National Mental Health Information Center also reported in 2002, an estimated 949, 384 adults, 18 years and older, in the State of Hawaii had serious mental illness.** This alarming number also does not include adults who are homeless or institutionalized.
- **Population growth along with persons with mental health problems and co-occurring disorders would be disastrous for the State of Hawaii if left untreated.**

- According to the 2005-2006 U.S. Census Bureau in the State of Hawaii, Honolulu City and County **grew at least 6%**.
- The State of Hawaii has spent millions of dollars to battle the crystal meth “ice” epidemic, **however, they fail to recognize the importance of mental health services that were simultaneously needed fight this battle.**
- A person who has both alcohol or drug problems and an emotional/psychiatric problem is said to have a **co-occurring disorder. To recover fully, the person needs treatment for both problems.**
- Recent studies show that **over half of the adults with co-occurring disorders received no treatment for either disorder.** The results from the 2005 National Survey on Drug Use and Health are as follows: treatment for both mental health and substance use problems 8.5%, substance use treatment only 4.1%, treatment only for mental health problems 34.3%, no treatment 53%; based on 5.2 million adults with co-occurring serious psychological distress and substance use disorder.
- The 2005 National Survey on Drug Use and Health goes on to say that an estimated **24.6 million American adults, over age 18, reported to have experiences “serious psychological distress”** during the preceding year. More than an estimated 30 million adults reported experiencing at least one episode of Major Depression during their lives.

Researchers gathered the information by administering the K6 instrument to respondents as part of the larger survey. The scale consists of six questions about symptoms of emotional distress experienced by respondents during one month in the prior year at a time when they were feeling their worst emotionally.

The six items ask about feelings of depression, anxiety, restlessness, and hopelessness and were scored on the basis of the frequency. The scale ranges from 0-24 points and respondents with 13 or higher were classified as experiencing serious psychological distress.

- **Women reported more psychological distress than did men.** Additionally, in 2005, adults who used illicit drugs in the previous year were significantly more likely to report serious psychological distress than those who did not use an illicit drug.

- Studies show that **in order for our rural and urban communities to receive the necessary mental health services we need to reduce professional competition.** A study entitled: STATE LICENSURE LAWS AND THE MENTAL HEALTH PROFESSIONS: IMPLICATIONS FOR THE RURAL MENTAL HEALTH WORKFORCE was completed in October 2002 by the Maine Rural Health Research Center, whose mission is to inform health care policymaking and the delivery of rural health service through high quality, policy relevant research, policy analysis and technical assistance on rural health issues of regional and national significance.
- As indicated in their findings, **evidence of the “guild environment” existed in current licensure laws. Licensed professions continue to seek limitations on the scopes of practice for other professions to protect their professional niche.** When a profession seeks to secure exclusive rights to a specific practice, they must argue that other professions are not qualified in this area – an argument based on quality, often expressed as years of education. A profession may set extensive requirements for entry into the profession, such as many hours of supervised, or that a certain number of hours of supervision must be face-to-face, further establishes an explicit “gateway” into the profession, similar to an apprenticeship in a traditional guild. These strategies are rational means of protecting the market for a profession’s services in an environment where there are ample members of multiple professions competing for market share.
- Please DO NOT allow this type of competition to fester in the State of Hawaii. **Stand strong and protect our people and provide them with the necessary health care services that are desperately needed and long overdue.** Allow our Licensed Mental Health Counselors **to continue the excellent work that they have been providing for the past several years.** Do not strip our communities of this benefit.

Thank you for the opportunity to provide my testimony and I encourage all of you to support our rural and urban communities and its mental health care needs by passing SB2159

Rosemary Lum de Costa, LMHC, NCC, MSCP, BHS
SBBH Salt Lake Elementary School



CATHOLIC CHARITIES HAWAII

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LATE TESTIMONY

DATE: March 24, 2008

TO: The Honorable Representative Robert N. Herkes, Chair; The Honorable Representative Angus L. K. McKelvey, Vice – Chair and Members of the Committee on Consumer Protection and Commerce

FROM: Melisa Secola, Ph.D., LMHC, NCC
Program Director, Catholic Charities Hawai'i, Nā `Ohana Pūlama – Hilo

RE: SB 2159 HD1, Relating to Professions

Thank you for the opportunity to provide testimony in strong support of SB 2159 HD1. I have been a professional counselor for 28 years and am currently working as a director of a therapeutic foster care program and as a part-time university instructor. My testimony reflects the needs of our state's growing population of foster youth with severe emotional and behavioral challenges as well as the voices of my students who are completing undergraduate degrees in psychology. These students are poised to pursue advanced degrees in the helping professions, and their career decisions are heavily influenced by the licensure and employment opportunities available within our state.

Licensure promotes professionalism within the field and benefits both those seeking mental health services and those who provide them. The Licensed Mental Health Counselor (LMHC) possesses a broad skill set and can work in a variety of education and social service venues. LMHCs work as direct service providers, administrators, advocates, educators and/or consultants in settings that include private practices, community agencies, schools, universities, employee assistance programs, and substance abuse treatment centers to name a few. An abundance of qualified helping professionals allows more consumer choice, and thus the potential for greater client satisfaction and better outcomes.

Therefore it is vitally important for the legislature to uphold progress in assuring that high quality mental health services are available to individuals and families throughout the state. Licensure sustains our systems of care—currently, students can pursue graduate degrees in counseling psychology at two locations within the state university system (Big Island and Oahu). With licensure, employers at community agencies are more likely to find the helping professionals that meet the credentialing requirements of their state contracts. For instance, within the Department of Health, Child and Adolescent Mental Health Division, employees are sought that can be credentialed as “Qualified Mental Health Providers”. These individuals must be licensed and also recognized as a professional body incorporated into the Medicaid State Plan Amendment and Contractors. Thus, the LMHCs must maintain licensure, but also achieve vendorship status to contribute to the state workforce in the ways for which they are qualified.

Ultimately, employers and consumers can then be assured that the LMHCs have met rigorous education and practice standards.

Again, thank you for accepting this testimony. This week begins the American Counseling Association's annual convention, hosted in Honolulu. I strongly encourage you to pass SB 2159 HD1 out of the Committee on Consumer Protection and Commerce, and allow counselors throughout the state to recognize the support of legislators at their national convention.

**Chaminade University
3140 Waiialae Ave.
Honolulu, Hawaii 96816**

LATE TESTIMONY

DATE: February 22, 2008

TO: The Honorable Senator Russell Kokubun, Chair, The Honorable Senator, David Ige Vice – Chair and Members of the Committee on Commerce, Consumer Protection and Affordable Housing

FROM: Dorothy Bach MSCP, LMHC
Practicum/Internship Director
Community Counseling and Marriage & Family Counseling
dbach@chaminade.edu
Phone 739-8557

RE: SB 2159, Relating to Professions

I would like to thank you for the opportunity to provide testimony. **I am testifying in strong support of SB 2159.** This law, SB 2159, has allowed more individuals to receive quality care/treatment in a timely manner. With National Guard soldiers directed overseas and various military deployments to Iraq and Afghanistan, repealing the “sunset clause” in SB 2159, would allow the state to ensure quality care for individuals seeking counseling. Continuity of training and licensure provide a level of therapy and counseling to more families and individuals in need.

Continuing counseling and therapeutic care for several underserved populations would increase the productivity of current counselors and therapists. Licensed counselors and therapists would work to meet the needs of these populations; adolescents, special needs children and their families. With a continuing licensure in the Mental Health field continuity of care will be ensured for the children and adults of Hawaii.

Repealing the sunset clause allows the state to ensure mental health care meets specific requirements and standards for the health and well-being of its constituents.

I encourage you to pass SB 2159 out of the Committee on Commerce, Consumer Protection and Affordable Housing.

Sincerely,

Dorothy Bach