

Honolulu, Hawaii

February 16, 2018

RE: H.B. No. 2128
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2128, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to require that health insurance policies include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders. This measure also defines "clinical victim support service" and "victim of sexual violence or abuse" for the purposes of insurance coverage.

The Domestic Violence Action Center, Hawai'i Democratic Women's Caucus, IMUAlliance, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Planned Parenthood Votes Northwest and Hawaii, The Sex Abuse Treatment Center, YWCA O'ahu, YWCA of Kaua'i, Hawai'i Psychological Association, Hawai'i Women's Coalition, Hawaii Children's Action Network, Hawaii Chapter of the American Association of University Women, and several concerned individuals testified in support of this measure. The Insurance Division of the Department of Commerce and Consumer Affairs, Department of Human Services, Hawaii Medical Service Association, and Kaiser Permanente Hawaii provided comments on this measure.



Your Committee notes that the Insurance Commissioner submitted written comments expressing concerns on this measure. The Insurance Commissioner testified that because this measure is a new mandate, it may require a sunrise analysis pursuant to Section 23-51, Hawaii Revised Statutes. Under Section 23-51, any proposed legislative measure that mandates health insurance coverage for care requires the passage of a concurrent resolution requesting a report assessing the social and financial impacts of the proposed mandate. This measure mandates appropriate, related clinical victim support services by qualified mental health providers. Therefore, this measure may be viewed as a new mandate, implicating Section 23-51.

However, the Hawaii Medical Service Association (HMSA) and Kaiser Permanente Hawaii (Kaiser) each submitted written comments stating that this measure may mandate expanded insurance benefits beyond what their insurance plans currently cover. The services listed in lines 17-21 on page 3, and lines 1-5 on page 4 of this measure are not offered by HMSA and Kaiser. These services include: "[a]ssisting 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 "[c]oordinating with schools, employers, and other individuals and entities concerning a victim." By deleting these provisions, this measure would no longer require services that are not being provided under current insurance plans. Thus, there would no longer be a need for a sunrise analysis under section 23-51, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:


- (1) Amending the definition of "clinical victim support service" by deleting references to "[a]ssisting 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 "[c]oordinating with schools, employers, and other individuals and entities concerning a victim"; and
- (2) Changing all references of a "qualified mental health provider" to a "licensed mental health provider".



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2128, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2128, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,





ROY M. TAKUMI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>HB 2128, HDI</i>	Committee Referral: <i>HHS, CPC, FIN</i>	Date: <i>2/14/18</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. ITO, Ken	✓			
5. JOHANSON, Aaron Ling	✓			
6. LoPRESTI, Matthew S.	✓			
7. MIZUNO, John M.	✓			
8. SAY, Calvin K.Y.	✓			
9. TOKIOKA, James Kunane	✓			
10. YAMANE, Ryan I.				✓
11. McDERMOTT, Bob	✓			
TOTAL (11)	<i>9</i>	<i>0</i>	<i>0</i>	<i>2</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>Linda Ichiyama</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				