

STAND. COM. REP. NO.

3104

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2128
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 2128, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to include coverage for clinical victim support services provided by licensed mental health providers for victims of sexual violence and abuse who suffer from mental disorders.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women; O'ahu County Committee, Legislative Priorities Committee of the Democratic Party of Hawai'i; Kaiser Permanente Hawaii; Hawai'i State Democratic Women's Caucus; Save Medicaid Hawaii; The Sex Abuse Treatment Center; IMUAlliance; YWCA O'ahu; Hawaii Children's Action Network; Filipina Advocacy Network; Hawaii Women's Coalition; Ho'omana Pono, LLC; and four individuals. Your Committee received comments on this measure from the Department of Human Services, Department of Commerce and Consumer Affairs, and Hawaii Medical Service Association.



Your Committee finds that according to the federal Centers for Disease Control and Prevention, sexual violence and abuse are extremely prevalent in the United States. It is estimated that 22,000,000 women and 1,600,000 men are victims of rape, while 53,000,000 women and 25,000,000 men have experienced some other form of sexual violence or abuse in their lifetimes. Trauma from sexual violence and abuse can have significant, lasting impacts on a survivor's mental health, which can interfere with the survivor's functional ability to engage and interact with the world.

Your Committee further finds that survivors with mental health conditions caused, in whole or in part, by sexual violence and abuse can require clinical victim support services, a professional intervention delivered by a licensed mental health provider with whom a victim has established a therapeutic relationship. According to testimony received by your Committee, historically, some health insurers have chosen not to provide coverage for appropriate clinical victim support services, which may act as a barrier to sufficient provider availability.

Your Committee has heard the concerns that this measure's required coverage for clinical victim support services may trigger an auditor's review of a new health insurance coverage mandate. However, your Committee notes that existing law already requires health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to provide coverage for mental health outpatient services.

According to testimony received by your Committee, clinical victim support services are a medically necessary type of mental health outpatient services delivered by health care providers in the normal course of planned treatment. As clinical victim support services fall within the existing definition of "mental health outpatient services", coverage for these types of services should already have been a covered benefit under existing law. Furthermore, as this measure is intended to clarify an existing covered benefits category - mental health outpatient services - provided by licensed mental health providers, rather than establishing a new covered benefit, an auditor's impact assessment report is not required. Amendments to this measure are therefore necessary to address these concerns and ensure that clinical



victim support services include a complete range of medically necessary care for victims of sexual violence and abuse.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that clinical victim support services includes:
 - (A) Assisting victims of sexual violence and abuse in obtaining appropriate government entitlements, access, insurance coverage, and other appropriate programs and services; and
 - (B) Coordinating with schools, employers, and other individuals and entities concerning a victim of sexual violence and abuse;
- (2) Clarifying that covered mental illness benefits include clinical victim support services as a type of mental health outpatient service;
- (3) Clarifying that this measure shall be exempt from the Auditor's impact assessment report requirement under section 23-51, Hawaii Revised Statutes;
- (4) Updating the purpose section;
- (5) Changing its effective date to July 1, 2018; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this amended measure clarifies the more complete, meaningful coverage of mental health outpatient services, which includes clinical victim support services for victims of sexual violence and abuse, and that are currently available and allowed under the existing Hawaii Revised Statutes. Thus, this amended measure ensures that more survivors of sexual violence and abuse receive this particular kind of coordinated, multi-disciplinary care that is medically necessary for some survivors to recover and heal and that can help survivors avoid additional harm and decompensation.



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

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



ROSALYN H. BAKER, Chair



