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**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339
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February 22, 2018

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

FROM: Pankaj Bhanot, Director

SUBJECT: HB2128 HD 2- RELATING TO VICTIMS OF SEXUAL VIOLENCE

Hearing: Friday, February 23, 2018, 11:00 a.m.
Conference Room 308, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and offers comments on this bill.

PURPOSE: The purpose of the bill is to improve mental health service availability for victims of sexual violence and abuse by requiring that accident and health or sickness insurance policies provide coverage for appropriate clinical victim support services provided by licensed mental health providers.

The State's Medicaid program, QUEST Integration (QI) and its fee-for-service programs provide coverage for mental health services if determined to be medically necessary, including for victims of sexual violence and abuse. In prior testimony, we had expressed concerns about services such as coordinating with schools, employers and assisting with obtaining government benefits. The HD 2 amendments that deleted references to such services addresses our concerns.

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



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON
FINANCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Friday, February 23, 2018
11:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 2128, H.D. 2, RELATING TO VICTIMS OF
SEXUAL VIOLENCE.**

TO THE HONORABLE SYLVIA LUKE, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on H.B. 2128, H.D. 2, Relating to Victims of Sexual Violence. My name is Gordon Ito, and I am the Insurance Commissioner for the Department’s Insurance Division. The Department appreciates the intent of this measure and provides the following comments on this bill, which is a companion to S.B. 2342.

The purpose of this bill is to require coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders.

This bill purports to mandate appropriate, related clinical victim support services by licensed mental health providers, and this may be viewed as a new mandate. The addition of a new mandated coverage may trigger section 1311(d)(3) of the federal Patient Protection and Affordable Care Act (“PPACA”), which requires states to defray the additional cost of any benefits in excess of the essential health benefits of the State’s qualified health plan under PPACA.

Additionally, section 4, page 6, lines 9-13, proposed subsection (b)(5) mandates that clinical victim support services provided by a licensed mental health provider for victims of sexual violence and abuse be a covered benefit. Any proposed mandate providing coverage for care requires the passage of a concurrent resolution requesting the State Auditor to prepare and submit a report assessing the social and financial impacts of the proposed mandate, pursuant to Hawaii Revised Statutes section 23-51.

Thank you for the opportunity to testify on this measure.

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

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Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: February 23, 2018

To: The Honorable Sylvia Luke, Chair
The Honorable Ty Cullen, Vice Chair
House Committee on Finance

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 2128 H.D. 2
Relating to Victims of Sexual Violence

Good morning Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 2128 H.D. 2.

According to The Centers for Disease Control, sexual violence is extremely prevalent in the United States. It is estimated that 22 million women and 1.6 million men are victims of rape, while 53 million women and 25 million men have experienced some other form of sexual violence in their lifetimes. Trauma caused by this sexual violence can have significant, lasting impacts on a victim's mental health that interfere with their functional ability to engage and interact with the world, with 81% of women and 35% of men reporting significant short- or long-term impacts such as post-traumatic stress disorder.

In addition to psychotherapy, victims with mental health conditions caused by sexual violence can require clinical victim support services, a professional intervention delivered by a licensed mental health provider with whom the victim has established a therapeutic relationship. Clinical victim support services can include coordinating with a victim's other health care providers.

These services are particularly responsive to some victims' need for assistance coping with daily stressors, which they are unable to manage on their own due to their sexual violence-related conditions. The trust and understanding developed between a victim and their therapist is critically important to the effectiveness of these services: the therapist, having received the victim's disclosure of sexual violence and possessing in-depth knowledge of how that trauma impacted the victim, is in the best position to identify the victim's specific needs and provide direct support to them.

As such, clinical victim support services are a best practice and are medically necessary for some victims to recover and heal, while avoiding additional harm and decompensation. These services are also consistent with a health care approach

that invests in preventing the need for more costly interventions, such as hospitalization.

Unfortunately, health insurers have historically chosen not to provide coverage for appropriate clinical victim support services, which causes some licensed mental health providers to decline to accept cases that could be complex and require substantial unreimbursed time and effort. SATC notes that this contributes to a significant capacity issue that prevents victims from accessing services in the community and reduces their options for treatment.

H.B. 2128 H.D. 2 would help to remove this barrier by requiring health insurers to provide more complete, meaningful coverage of outpatient mental health services, inclusive of some clinical victim support services. This would more accurately reflect the range of medically necessary care that is needed for victims of sexual violence to recover and heal.

Therefore, we respectfully ask that you please pass H.B. 2128 H.D. 2.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR HOUSE BILL 2128, HOUSE DRAFT 2, RELATING TO VICTIMS
OF SEXUAL VIOLENCE**

**House Committee on Finance
Hon. Sylvia Luke, Chair
Hon. Ty J.K. Cullen, Vice Chair**

**Friday, February 23, 2018, 11:00 AM
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of House Bill 2128, HD 2, relating to victims of sexual violence.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention services to 130 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name.

Sex trafficking is a profoundly violent crime. The Average age of entry into commercial sexual exploitation is 13-years-old, with 60 percent of trafficked children being under the age of 16. Approximately 150 high-risk sex trafficking establishments operate in Hawai'i. An estimated 1,500-2,500 women and children are victimized by sex traffickers in our state annually. Over 120,000 advertisements for Hawai'i-based prostitution are posted online each year, a number that is rapidly increasing as technology continues to outpace the law. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent

of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, “I can’t be raped. Only good girls can be raped. I’m a bad girl. If I *want* to be raped, I have to *earn* it.”

Slavery has no place in paradise. For the sake of our survivors, we ask you to do all you can to ensure—and insure—their access to mental health services, including clinical case management. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

February 23, 2018

To: Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Finance

From: Mandy Finlay, Director of Public Policy
Hawaii Children's Action Network

Re: **HB 2128 HD2– Relating to Victims of Sexual Violence – SUPPORT**
Hawaii State Capitol, Room 308, February 23, 2018, 11:00 AM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to support HB 2128, HD2 – Relating to Victims of Sexual Violence.

The Centers for Disease Control and Prevention estimate that 9% of child maltreatment cases involve sexual abuse. Experiencing sexual violence or abuse at a young age can cause serious trauma, and significantly increases the likelihood that the child will experience negative health and well-being outcomes throughout their lifetime.

After experiencing sexual violence, children often require comprehensive medical and psychological services to help them heal, continue healthy neurodevelopment, and navigate everyday life. In addition to psychotherapy, sexual violence victims may require clinical victim support services, a professional intervention delivered by a qualified mental health provider with whom the victim has established a therapeutic relationship. This relationship of trust is especially important when dealing with child victims. Clinical support services could include working with a child's school or other entities to arrange reasonable accommodations to address the child's needs, helping a child and their family to access government or community programs and services, and coordinating with the child's pediatrician.

Unfortunately, although these services are often medically necessary to address victims' needs, reimbursement to providers for these services is routinely denied by health insurers. This measure merely clarifies that these services are required to be covered under insurance plans, and will ensure that children are not denied access to the services they need to heal from sexual abuse.

For these reasons, HCAN respectfully requests that the committee PASS this bill.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.



An Independent Licensee of the Blue Cross and Blue Shield Association

February 23, 2018

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance

Re: HB 2128, HD1– Relating to Victims of Sexual Violence

Dear Chair Luke, Vice Chair Cullen, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 2128, HD1, requiring health insurance coverage for clinical victim support services for victims of sexual violence. HMSA appreciates the intent of this measure and respectfully offers the following comments.

We appreciate and support the clarifying amendments made by the previous Committee to HB 2128, HD1. HMSA continues to believe this bill may not be necessary as there is no distinction made when a member has a mental health issue in regards to the cause or reason for the condition; we do, however, understand and appreciate that victims of sexual violence have particular support service needs that deserve specific consideration and we believe we meet these needs.

We are committed to working with the stakeholders to find common ground to ensure that victims receive the care they deserve. Thank you for allowing us to provide these comments on HB 2128, HD1.

Sincerely,

Pono Chong
Vice-President, Government Relations

To: Hawaii State House of Representatives Committee on Finance
Hearing Date/Time: Friday, Feb. 23, 2018, 11:00 a.m.
Place: Hawaii State Capitol, Rm. 308
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of H.B. 2128, HD2 with an amendment

Dear Chair Luke and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 2128, HD2, which seeks to require health insurance policies to include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders.

However, we also request an amendment to include an express exemption from the requirements of H.R.S. § 23-51 in an updated H.B. 2128, HD3, based on the rationale provided by the Sex Abuse Treatment Center.

Please pass H.B. 2128 with this amendment to ensure that survivors of sexual violence are provided with the care and support they need to recover and heal.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director and Public Affairs Manager

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
House Committee on Finance
The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair

February 23, 2018
11:00 am
Conference Room 308

Re: HB 2128 HD2, Relating to Victims of Sexual Violence

Chair, Vice-Chair, and committee members thank you for this opportunity to provide testimony on this bill relating to insurance coverage for mental health services for victims of sexual violence.

Kaiser Permanente Hawaii supports the amended (HD2) version of this bill.

Kaiser Permanente already provides clinical counseling for sex abuse victims through its Integrated Behavioral Health, which is an integration of Kaiser Permanente's psychiatry, psychology and licensed social work counselor departments, and Kaiser Permanente continues to support such clinical mental health services for victims of sexual violence.

Thank you for your consideration.

HB-2128-HD-2

Submitted on: 2/21/2018 11:59:12 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
	Domestic Violence Action Center	Support	No

Comments:

HB 2128 SB2342 Support re Insurance coverage

Health insurers must cover mental health support for sexual assault victims. As a health care provider, I believe it is essential that the insurance covers also include the care given by Registered Nurses and Licensed Social Workers, as well as Psychologists, Advanced Practice Nurses, and Physicians.

HB-2128-HD-2

Submitted on: 2/21/2018 11:25:44 AM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay	Individual	Support	No

Comments:

HB-2128-HD-2

Submitted on: 2/21/2018 9:40:24 PM

Testimony for FIN on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I strongly support HB2128_HD2 which ensures coverage for clinical victim support services through care coordination with health care providers. Lets ensure health plans cover the cost of these vital services so victims of sexual violence can focus on their healing and survival rather than piecing together the help they need.

Dear Chair Luke, Vice Chair Cullen, and committee members:

I am a survivor of childhood sex abuse and support HB 2128, HD2.

Requiring insurers to cover care coordination with health care providers will help survivors of sexual violence heal and become productive members of society. As stated in the bill, sexual violence can have severe and lasting emotional and mental health impacts. I've learned in my own recovery that treatment is not "one size fits all". I've gone through multiple therapists and body workers to help heal my mind, body and soul. Some were experienced with PTSD and the effects of trauma on the brain, but many times were not. I've found the right treatment through trial and error over the past decade, but wish I had some professional help to direct me in my journey towards recovery. This bill will help survivors get the appropriate help they need and provide access to other effective modalities of treatment in a timely manner.

Mahalo,

Andre Bisquera



February 23, 2018

LATE

To: Representative Sylvia Luke, Chair
Representative Ty Cullen, Vice Chair and
Members of the Committee on Finance

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2128 HD2 Relating to Victims of Sexual Violence
Hearing: Friday, February 23, 2018, 11:00 a.m., Room 308

POSITION: SUPPORT

The Hawai'i Democratic Women's Caucus (HSDWC) writes in support of HB 2128 HD2 Relating to Victims of Sexual Violence which would require that health insurance policies include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders.

Clinical victim support services are a best practice and are medically necessary for some victims to recover and heal. Sexual violence causes trauma that can have significant and lasting impacts on a victim's mental health that affect their ability to function and interact with the outside world. Necessary clinical victim support services are not routinely covered by health insurers, which prevents victims from accessing services and reduces their options for treatment.

This measure is necessary to clarify the existing mandate that health insurers cover outpatient mental health services to include some clinical victim support services. We respectfully request that the committee pass this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

Thank you for the opportunity to provide testimony in support.