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**TO THE SENATE COMMITTEE ON
WAYS AND MEANS**

**TWENTY-NINTH LEGISLATURE
Regular Session of 2018**

Thursday, March 29, 2018
10:50 a.m.

WRITTEN TESTIMONY ONLY

**TESTIMONY ON HOUSE BILL NO. 2128, H.D. 2, S.D. 1, RELATING TO VICTIMS OF
SEXUAL VIOLENCE.**

TO THE HONORABLE DONOVAN M. DELA CRUZ, 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, S.D. 1, 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.

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.

Sexual assault victims should receive appropriate treatment to help in the healing process. However, 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 7, lines 16-17, amends section (b)(4) to mandate that clinical victim support services be a covered benefit.

While section 5 of this bill states "Section 23-51, Hawaii Revised Statutes, shall not apply to this Act," the Department believes 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 provide written testimony on this measure.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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March 27, 2018

To: Sen. Dela Cruz, Chair
Sen. Keith-Agaran, Vice Chair
Honorable Members of the S. Committee on Ways and Means

From: Khara Jabola-Carolus
Executive Director
Hawai'i State Commission on the Status of Women

Re: Testimony in Support, HB2128 HD2, SD1

Thank you for this opportunity to testify in support HB2128 HD2 SD1, which would improve access to mental health services for those victimized by sexual violence and abuse. Sexual assault persists on a systemic scale in Hawai'i, and impacts all ages.

The Commission notes that the Sex Abuse Treatment Center has assisted children as young as two months old and adults in their late 90s. Trauma from sexual violence can leave lasting and significant impacts on the mental health of survivors. Survivors with mental health conditions can require complex case management, wherein licensed mental health providers assist with linking patients with other service providers and other systems which may be difficult to navigate.

Case management by mental health providers is a best practice that is medically necessary for some survivors to recover and heal. Further, trust with the mental health provider is a key determinant of the effectiveness of treatment, especially for children. Some insurers do cover limited case management and mental health services for patients but do not currently cover comprehensive case management. It is the Commission's understanding that mental health outpatient services are already covered—these are not “new” services—but limited coverage prevents victims from accessing medically necessary mental health services. Thus, providing more robust coverage for case management services would not be considered a “new mandate” warranting a social and financial audit investigation. The Commission supports HB2128 and urges the Committee to pass it.

Sincerely,

Khara Jabola-Carolus



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

SENATE COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Testimony in SUPPORT of HB 2128 HD1 SD1

March 29, 2018, 10:50 am, Room 211

The Hawai'i Psychological Association (HPA) supports House Bill 2128 HD1 SD1, which requires health insurers to provide coverage for clinical victim support services by qualified mental health providers for victims of sexual violence.

According to The Centers for Disease Control (CDC), 22 million women and 1.6 million men are victims of rape, and 53 million women and 25 million men have experienced some other form of sexual violence in their lifetimes. Among this population, 81% of women and 35% of men report significant short- or long-term trauma, experience significant symptoms interfering with daily functioning, and receive mental health diagnoses including post-traumatic stress disorder. Appropriate victim support services can include, but are not limited to, medical care, psychotherapy, assistance (including special accommodations) within academic and vocational environments, assistance in obtaining access to programs and services offered by government agencies and community organizations, and coordination of services between care providers.

However, clinical victim support services are not routinely covered by health insurers, making service providers unavailable in many of the areas described above. HB 2128 HD1 SD1 can help improve access to services by requiring health insurers to provide coverage for mental health services and clinical victim support services.

Therefore, we respectfully urge you to support HB 2128 HD1 SD1.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, Legislative Action Committee

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
Senate Committee on Ways and Means
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

March 29, 2018
10:50 am
Conference Room 211

Re: HB 2128 HD2 SD1 Relating to Victims of Sexual Violence

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

Kaiser Permanente Hawaii supports the intent of this bill, but requests an audit study.

Kaiser Permanente supports this bill's intent to promote mental health service availability for victims of sexual violence and abuse. Currently, Kaiser Permanente provides clinical counseling for sex abuse victims through its Integrated Behavioral Health Program, which is an integration of its psychiatry, psychology, and licensed social work counselor departments.

However, Kaiser Permanente is concerned that this measure purports to mandate an expansion of benefits by requiring new coverage for coordination of services, i.e., coordinating with schools, employers, and assisting with government entitlements, etc., which is time spent outside of therapy. See Page 4, Lines 20-21 and Page 5, Lines 1-6. In its current practice of performing counseling for sex abuse victims, Kaiser Permanente does not include such coordination of services available as a covered benefit.

Accordingly, Kaiser Permanente requests that the legislative auditor conduct an impact assessment report, as statutorily required for any new mandate under Sections 23-51 and 23-52 of the Hawaii Revised Statutes. Notably, the addition of a new mandated coverage may also trigger section 1311(d)(3) of the federal Patient Protection and Affordable Care Act, which requires states to defray the additional cost of any benefits enacted after December 31, 2011, in excess of the State's essential health benefits.

Thank you for your consideration.

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March 29, 2018

To: Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair and
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2128 HD2 SD1 Relating to Victims of Sexual Violence
Hearing: Thursday, March 29, 2018, 10:50 a.m., Room 211

POSITION: SUPPORT

The Hawai'i Democratic Women's Caucus (HSDWC) writes in support of HB 2128 HD2 SD1 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 support the current SD1 version, which replaces language that was removed from the original bill by the House to cover all three types of clinical victim support services, with specific findings that the services do not constitute a 'new mandate' which would require auditor review, as they are mental health outpatient services that should always have been covered. We respectfully request that the committee pass this measure as is.

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.

To: Hawaii State Senate Committee on Ways and Means

Hearing Date/Time: Place: Thursday, March 29, 2018, 10:50AM

Hawaii State Capitol, Room 211

Position Statement in Support of House Bill 2128 HD2 SD1

Good Morning Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee,

Thank you for the opportunity to testify in strong support of HB 2128 HD2 SD1 which requires health insurers to provide coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders. Almost 90 percent of women in jail are survivors of sexual violence¹. Additionally, evidence has shown that substance abuse is highly correlated with women's physical and sexual abuse². Many have never received treatment for the trauma and the issues from the violence plague the person and can manifest in unhealthy and dangerous ways. However, with treatment the person is better able to lead a productive, normal life.

An integral part of treatment is clinical support through a licensed mental health provider. The mental health provider can assist the person in recovery and healing by communicating and coordinating with systems, programs, and people. Although this seems a simple task, the stress it brings can be overwhelming and can cause additional harm to the survivors when attempted on their own.

Unfortunately, health insurers do not routinely cover clinical support for survivors of sexual violence, which causes some mental health providers to decline to accept cases that could be complex and require substantial unreimbursed services, or to provide a lower level of service than may be needed to appropriately address a survivor's condition.

For these reason, I respectfully urge you to support House Bill 2128 HD2 SD1.

Thank you for the opportunity to testify and for your consideration on this matter.

Kathleen Algire
Director, Public Policy and Advocacy



To: Hawaii State Senate Committee on Ways and Means
Hearing Date/Time: Thursday, Mar. 29, 2018, 10:50 a.m.
Place: Hawaii State Capitol, Rm. 211
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of H.B. 2128, HD2, SD1

Dear Chair Dela Cruz and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 2128, HD2, SD1, which seeks to require insurance coverage for clinical victim support services, including mental health care, for victims of sexual violence and abuse.

Please pass H.B. 2128 and 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

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

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Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: March 29, 2018

To: The Honorable Donovan Dela Cruz, Chair
The Honorable Gilbert Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

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 S.D. 1
Relating to Victims of Sexual Violence

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

The Sex Abuse Treatment Center strongly supports H.B. 2128 H.D. 2 S.D. 1.

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.

In addition to psychotherapy, victims with mental health conditions caused by sexual violence can require clinical victim support services, a mental health outpatient service delivered by a licensed mental health provider with whom the victim has established a therapeutic relationship. Clinical victim support services can include, in addition to coordinating with a victim's other health care providers, working with schools, employers and others on such issues as safety planning and reasonable accommodations for the victim's mental health conditions, and assisting a victim to obtain entitlements and to access programs and services.

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, despite their obligation to cover mental health outpatient 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 S.D. 1 would remove this barrier by requiring health insurers to provide complete, meaningful coverage of mental health outpatient services, inclusive of clinical victim support services, accurately reflecting the range of medically necessary care that is needed for victims of sexual violence to recover and heal.

Therefore, we ask that you please pass H.B. 2128 H.D. 2 S.D. 1.

HB-2128-SD-1

Submitted on: 3/27/2018 2:44:53 PM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karla Silva-Park	Testifying for The Sex Abuse Treatment Center	Support	No

Comments:

As a clinical provider and a former provider to victims of sexual violence I ask that you support this measure. Currently I provide services to college students, a high needs population, for victim services which are often unattainable due to cost. I encourage the passing of this bill, as is.

HB-2128-SD-1

Submitted on: 3/28/2018 10:38:37 AM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

HB-2128-SD-1

Submitted on: 3/28/2018 10:49:42 AM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Testifying for Filipina Advocacy Network FAN	Support	No

Comments:

Filipina Advocacy Network strongly supports bill that will provide critical services.

i respectfully request your support.

Amy Agbayani

HB-2128-SD-1

Submitted on: 3/27/2018 2:19:14 PM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cu Ri	Individual	Support	No

Comments:

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and committee members:

I am a survivor of childhood sex abuse and support HB 2128 HD2 SD1:

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

HB-2128-SD-1

Submitted on: 3/27/2018 7:09:39 PM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

As a Women's Health Nurse Practitioner i know without question that HB 2128 must pass as is. Mental health outpatient services should ALREADY be covered by insurance companies. An auditor review is not needed.

HB-2128-SD-1

Submitted on: 3/27/2018 10:53:02 PM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Support	No

Comments: