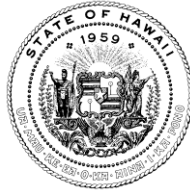


SB2342



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. 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 SENATE COMMITTEES ON  
HUMAN SERVICES AND  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, January 31, 2018  
2:55 p.m.

**TESTIMONY ON SENATE BILL NO. 2342, RELATING TO VICTIMS OF SEXUAL VIOLENCE.**

TO THE HONORABLE JOSH GREEN AND ROSALYN H. BAKER, CHAIRS, AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 2342, 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 submits 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.

This bill purports to mandate appropriate, related clinical victim support services by qualified mental health providers, and this may be viewed as a new mandate. 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.

Testimony of  
John M. Kirimitsu  
Legal and Government Relations Consultant

Before:  
Senate Committee on Human Services  
The Honorable Josh Green, Chair  
The Honorable Stanley Chang, Vice Chair

Senate Committee on Commerce, Consumer Protection, and Health  
The Honorable Rosalyn H. Baker, Chair  
The Honorable Jill Tokuda, Vice Chair

January 31, 2018  
2:55 pm  
Conference Room 16

**Re: SB 2342 Relating to Victims of Sexual Violence**

Chairs, Vice-Chairs, and committee members thank you for this opportunity to provide testimony on SB 2342 relating to insurance coverage for mental health services for victims of sexual violence.

**Kaiser Permanente Hawaii supports the intent of this bill, but requests an amendment.**

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

However, as this bill recognizes, there is a lack of access to professional clinical services due to the "limited availability of qualified mental health providers who are able to take on potentially complex mental health cases." See Page 2, Lines 11-15. To free up much-needed access to professional clinical services by qualified mental health providers, we request an amendment to add unlicensed clinical staff, under the supervision of qualified mental health providers, to assist in providing the case management functions included under "clinical victim support service", i.e., coordinating with other health care providers, assisting victims in obtaining government entitlements, and coordinating with schools, employers, etc. This addition will allow more flexibility by allowing clinical staff such as case managers/care coordinators, under the supervision of qualified mental health providers, to perform these more administrative case

management functions and ease demand strain on qualified mental health providers (to allow more opportunity for these providers to focus on providing psychotherapy services, etc.).

Therefore, based on the foregoing, we request the following amendment on Page 3, Lines 10-11 (in brackets and underscored):

- 9 "Clinical victim support service" means a professional
- 10 intervention conducted by a qualified mental health provider [or unlicensed clinical  
11 staff, under the supervision of a qualified mental health provider] to
- 12 identify needs and assist in obtaining coordinated, appropriate
- 13 services, and resources for a victim of sexual violence and
- 14 abuse to curtail or prevent the progression and worsening of
- 15 mental disorders and associated functional impairments caused,
- 16 in whole or in part, by the sexual violence and abuse. Clinical
- 17 victim support services include:
- 18 (1) Coordinating with other healthcare providers, such as
- 19 Primary care physicians, behavioral and mental health
- 20 care providers, and hospitals;
- 21 (2) Assisting victims of sexual violence and abuse in
- 1 obtaining appropriate government entitlements, access,
- 2 insurance coverage, and other appropriate programs and
- 3 services offered by government agencies and community
- 4 organizations; and
- 5 (3) Coordinating with schools, employers, and other
- individuals and entities concerning a victim.

Thank you for your consideration.



An Independent Licensee of the Blue Cross and Blue Shield Association

January 31, 2018

The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection and Health

The Honorable Josh Green, Chair  
Senate Committee on Human Services

Re: SB 2342 – Relating to Victims of Sexual Violence

Dear Chair Baker , Chair Green, and Members of the Committees:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2342 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 continue to believe this bill may be unnecessary as there is no distinction made when a member has a mental health issue in regards to the suspected cause or reason for the condition; we do 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 also draw the Committee's attention to the following:

- HMSA's existing case management services meet the intent of this measure; however, as drafted this measure could expand benefits beyond what plans currently offer. In particular, Section 2(3), coordination with schools, employers, and other individuals and entities concerning the victim.
- Section 2, consider replacing "qualified mental health provider" with "licensed mental health provider" and include an accompanying definition consistent with the statute.
- Consider amending Section 7 of the bill to change the effective date to apply to policies, contracts, plans, or agreements issued or renewed in the State after January 1, 2019; this will ensure that that plans and providers have suitable time to implement and operationalize any proposed changes.

Thank you for allowing us to provide these comments on SB 2342.

Sincerely,

Pono Chong  
Vice President, Government Relations

Executive Director  
Adriana Ramelli

Advisory Board

President  
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember  
Carol Fukunaga

Senator  
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: January 31, 2018

To: The Honorable Josh Green, Chair  
The Honorable Stanley Chang, Vice Chair  
Senate Committee on Human Services

The Honorable Rosalyn Baker, Chair  
The Honorable Jill Tokuda, Vice Chair  
Senate Committee on Commerce, Consumer Protection, and Health

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 S.B. 2342  
Relating to Victims of Sexual Violence

Good afternoon Chairs Green and Baker, Vice Chairs Chang and Tokuda, and members of the Senate Committees on Human Services and on Commerce, Consumer Protection, and Health:

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 2342, 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, 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 qualified mental health provider with whom the victim has established a therapeutic relationship. Clinical victim support services can include working with schools, employers and other individuals and entities on such issues as safety planning and reasonable accommodations for the victim's mental health conditions; assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations; and coordinating with a victim's other health care providers, such as primary care physicians and hospitals.

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 mental health conditions. 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, clinical victim support services are not routinely covered by health insurers, which causes some qualified mental health providers to decline to accept cases that could be complex and require substantial unreimbursed time and effort, or to provide a lower level of service than may be needed to fully address a victim's condition. 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.

S.B. 2342 is narrowly tailored to remove this barrier, by ensuring that health insurance coverage for mental health services allows qualified mental health providers are able to deliver both psychotherapy and clinical victim support services, and accurately reflects the range of medically necessary care that is needed for victims of sexual violence to recover and heal.

Therefore, we respectfully urge you to support S.B. 2342.

To: Hawaii State Senate Committee on Human Services  
Hawaii State Senate Committee on Commerce, Consumer Protection, and Health  
Hearing Date/Time: Wednesday, January 31, 2018, 2:55PM  
Place: Hawaii State Capitol, Conference room 16

*Position Statement in Support of Senate Bill 2342*

Good afternoon Chair Green, Chair Baker, Vice Chair Chang, Vice Chair Tokuda, and members of the committees,

Thank you for the opportunity to testify in strong support of SB 2342 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 violence<sup>1</sup>. Additionally, evidence has shown that substance abuse is highly correlated with women's physical and sexual abuse<sup>2</sup>. 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.

Beyond disrupting the patient-therapist relationship and inserting a delaying and distorting layer of bureaucracy between the survivor and services that may be urgently needed, this approach to case management could be construed as an intrusion when applied to a survivor of sexual violence.

An integral part of treatment is the support of a skilled mental health case manager. The case manager assists 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, case management for survivors of sexual violence is not routinely covered by health insurers, 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. This bill would ensure health insurance coverage for mental health services includes case management.

For these reason, I respectfully urge you to support SB 2342.

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

Kathleen Algire  
Director, Public Policy and Advocacy

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<sup>1</sup> Vera Institute of Justice, *Overlooked: Women and jails in an era of reform*, 2016, [https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy\\_downloads/overlooked-women-and-jails-fact-sheet.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy_downloads/overlooked-women-and-jails-fact-sheet.pdf)

<sup>2</sup> Bloom, Barbara, *Gender-responsive strategies for girls and women in the criminal justice system*. 2006, Female Offender Conference, University of Hilo



# eliminating racism empowering women

ywca

YWCA of Kauai  
3094 Elua Street  
Lihue, HI 96766

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F: 808-245-5961  
[www.ywcakauai.org](http://www.ywcakauai.org)

DATE: January 30, 2018

TO: The Honorable Josh Green, Chair  
The Honorable Stanley Chang, Vice Chair  
Senate Committee on Human Services

The Honorable Rosalyn Baker, Chair  
The Honorable Jill Tokuda, Vice Chair  
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Renae Hamilton-Cambeilh, Executive Director  
YWCA of Kaua`i

RE: Testimony in Support of S.B. 2342  
Relating to Sexual Assault

Good Afternoon, Chairs Green and Baker, Vice Chairs Chang and Tokuda, and members of the Senate Committees on Human Services and on Commerce, Consumer Protection, and Health. My name is Renae Hamilton and I am the Executive Director for the YWCA of Kaua`i.

The YWCA of Kaua`i strongly supports S.B. 2342 which requires health insurers to provide coverage for clinical victim support services by qualified mental health providers for victims of sexual violence. The YWCA is the sole provider on Kaua`i for providing essential services related to sexual assault; crisis intervention and counseling treatment. We provide an average of over 2,000 counseling hours a year for over 200 clients. Over 50% of the victims that receive counseling services are under 18 years old. Adults who were molested as children are a large percentage of our adult clients. This bill provides an avenue to fill a gap in services for survivors of sexual assault who are participating in clinical treatment to heal from the trauma of sexual assault.

In addition to clinical treatment, victims with mental health conditions caused by being sexually assaulted often require clinical support services which can include; working with schools, employers, other agencies and government departments. The range of clinical support issues include; safety planning, assisting with reasonable accommodations as appropriate and accessing correct agencies or government departments for housing, health care etc. This clinical support is an essential aspect of treatment for SA victims and each, each survivors healing journey is unique and it is important to acknowledge that sexual assault offenses are not like other offenses and need additional support throughout the course of treatment.. This bill would help these survivors access all the services they need and a means for those services to be funded with the ability to access health care coverage benefits.

On behalf of the staff and Board of Directors, I urge the committees to pass S.B 2342 as written. Thank you for this opportunity to testify.



**SB-2342**

Submitted on: 1/30/2018 3:26:46 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacey Moniz	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

The Hawaii State Coalition Against Domestic Violence supports SB2342 and believes in the value of ongoing case management, advocacy and support for victims of sexual abuse. Thank you for your support as well.

January 31, 2018

To: Senator Josh Green, Chair  
Senator Stanley Chang, Vice Chair  
Senate Committee on Human Services

Senator Rosalyn Baker, Chair  
Senator Jill Tokuda, Vice Chair  
Senate Committee on Commerce, Consumer Protection, and Health

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

Re: **SB 2342 – Relating to Victims of Sexual Violence**  
**Hawaii State Capitol, Room 16, January 31, 2018, 2:55 PM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB2342 – 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.

These services are often medically necessary to address a victim's needs and may prevent the need for more costly interventions. Unfortunately, these services are also routinely not covered by health insurance. This severely limits services' accessibility to children in low-income households. This bill is necessary because it will ensure that children are not denied access to the services they need to heal from sexual abuse simply because their parents cannot afford it.

**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.*



## Hawaii Women's Coalition

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**COMMITTEE ON COMMITTEE ON EDUCATION  
COMMITTEE ON HUMAN SERVICES  
Senator Josh Green, Chair**

**COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
Senator Rosalyn H. Baker, Chair**

**DATE: Wednesday, January 31, 2018  
TIME: 2:55PM  
PLACE: Conference Room 16**

**STRONG SUPPORT FOR SB2432 concerning insurance coverage for services to victims of sexual violence.**

Aloha Chairs ,

The Coalition is in **strong support** of this bill that would provide consistent and compassionate insurance coverage for victims of sex assault.

As the experts in this field have said, in addition to psychotherapy, victims with mental health conditions caused by sexual violence can require clinical victim support services. Clinical victim support services can include working with schools, employers and other individuals and entities on such issues as safety planning and reasonable accommodations for the victim's mental health conditions; assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations; and coordinating with a victim's other health care providers, such as primary care physicians and hospitals.

Under existing insurance policies a victim may have to go through the trauma of telling her or his story over and over again if there is not coordinated management of professional services. We believe we can do better. This bill, if passed into law will help.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition  
Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676



To: Hawaii State Senate Committee on Commerce, Consumer Protection and Health  
Hearing Date/Time: Tuesday, Jan. 31, 2017, 9:00 a.m.  
Place: Hawaii State Capitol, Rm. 229  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 503, relating to Victims of Sexual Violence

Dear Chair Baker and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 503, which seeks to require health insurance coverage for case management services by licensed mental health providers for victims of sexual violence.

PPVNH is dedicated to advocating for women’s full equality in health care and we support S.B. 503 because it will 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



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

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**TESTIMONY FOR SENATE BILL 2342, RELATING TO VICTIMS OF SEXUAL  
VIOLENCE**

**Senate Committee on Human Services**

**Hon. Josh Green, Chair**

**Hon. Stanley Chang, Vice Chair**

**Senate Committee on Commerce, Consumer Protection, and Health**

**Hon. Rosalyn H. Baker, Chair**

**Hon. Jill N. Tokuda, Vice Chair**

**Wednesday, January 31, 2018, 2:55 PM**

**State Capitol, Conference Room 16**

Honorable Chair Green, Chair Baker, 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 Senate Bill 2342, 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 strong support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

**SB-2342**

Submitted on: 1/28/2018 10:35:27 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:



**SB-2342**

Submitted on: 1/27/2018 2:01:20 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Support	No

Comments:

**SB-2342**

Submitted on: 1/27/2018 10:03:03 AM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments:

**SB-2342**

Submitted on: 1/29/2018 8:50:11 AM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Gannon	West Hawaii CHC	Support	No

Comments:

I support SB2342

**SB-2342**

Submitted on: 1/29/2018 3:36:30 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall		Support	No

Comments:

**SB-2342**

Submitted on: 1/29/2018 4:42:06 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay		Support	No

Comments:

**SB-2342**

Submitted on: 1/29/2018 8:19:38 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	NONE	Support	No

Comments:

**SB-2342**

Submitted on: 1/30/2018 8:54:38 PM

Testimony for CPH on 1/31/2018 2:55:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jina Rabago		Support	No

Comments: