

STAND. COM. REP. NO.

391

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 1036

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Human Services, to which was referred S.B. No. 1036 entitled:

"A BILL FOR AN ACT RELATING TO CLINICAL VICTIM SUPPORT SERVICES,"

beg leave to report as follows:

The purpose and intent of this measure is to clarify that clinical victim support services for victims of sexual violence and abuse are a mental outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

Your Committees received testimony in support of this measure from Hawai'i State Commission on the Status of Women, Hawai'i Psychological Association, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, American Association of University Women of Hawaii, Save Medicaid Hawaii, The Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Midwives Alliance of Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, Hawaii Women's Coalition, and eight individuals. Your Committees received testimony in opposition to this measure from the Hawaii Medical Services Association. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.



Your Committees find that the federal Centers for Disease Control and Prevention estimate that 43.9 percent of women and 23.4 percent of men have experienced forms of sexual violence other than rape within their lifetime. Victims of sexual violence and abuse experience long lasting emotional and psychological effects; thirty-five to sixty-five percent of people experiencing sexual assault during adulthood are diagnosed with post-traumatic stress disorder. Furthermore, depressive orders, substance abuse disorders, and suicidal behaviors occur in this population at rates far exceeding the general population. Case management by mental health providers is recognized as a best practice that is medically necessary for some survivors to recover and heal.

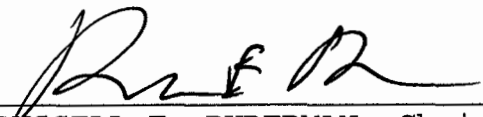
However, health insurers have historically chosen not to provide coverage for appropriate clinical victim support services. Too often insurers piecemeal various treatments and services that a survivor needs following a traumatic assault, meaning survivors are required to explain their assault to strangers over and over again, becoming another source of trauma. This measure requires health insurers to cover clinical victim support services for sexual violence survivors when performed by their qualified mental health care provider, with whom they have an established patient relationship, in order to provide more comprehensive case management and to assist in recovery.

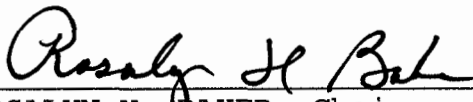
Finally, your Committees note that clinical victim support services are a medically necessary type of mental health outpatient services delivered in the normal course of planned treatment. As clinical victim support services fall within the existing definition of "mental health outpatient services", coverage for these types of services should already have been a covered benefit under existing law. This measure protects this current best practice by clarifying that an existing covered benefits category -- mental health outpatient services -- includes clinical victim support services.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1036 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and Health  
and Human Services,


  
\_\_\_\_\_  
RUSSELL E. RUDERMAN, Chair

  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1036	CPH/HMS,WAM	2/8/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOOLE, Jarrett	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 1036</b>	Committee Referral: <b>CPH / HMS, WAM</b>	Date: <b>2.8.19</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les				✓
RIVIERE, Gil				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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