



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB768 SD1
RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 21, 2019, 9:00 AM Room Number: 016

1 **Fiscal Implications:** None.

2 **Department Testimony:**

3 The Department of Health is in support of this bill which clarifies the expectations of the health
4 plans when an adolescent chooses to consent to mental health services. This bill prohibits health
5 plans from disclosing to a policy holder or other covered person any payment information for
6 mental health services given upon the consent of a minor according to §577-29, HRS, and
7 specifies that the minor, minor's parents or legal guardian are not responsible for out-of-pocket
8 payments for minor-initiated mental health services. The suppression of the explanation of
9 benefits (EOB) is a standard practice where minor consent laws exist. If such a suppression were
10 not required, the minor's privacy would not be retained resulting in a decrease in the access to
11 confidential mental health services. Health plans will be required to have standard operating
12 practice to suppress the EOB in circumstances where a consenting minor is receiving mental
13 health services.

14 This bill is a product of a task force led by the Department of Health (DOH), Child and
15 Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task
16 force was comprised of legislators, representatives of health insurers, state agencies, and
17 advocates, and community members. A list of task force attendees and a summary of task force
18 findings may be found in the task force's legislative report:

19 https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf.

- 1 **Offered Amendments:** None.
- 2 Thank you for the opportunity to testify on this bill.



February 16, 2019

Senate's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Thursday, February 21, 2019 – 9:00 a.m.

RE: STRONG SUPPORT for Senate Bill 768 SD 1 – RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

Aloha Chair Rhoads, Vice Chair Wakai and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 768 Senate Draft 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 768 SD 1 prohibits health plans and providers from disclosing to a policyholder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. Specifies that the minor and the minor's parent or legal guardian are not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services.

SB 538 stems out of the taskforce that was formed as requirement of Act 13, 2018 which ban conversion therapy for minors. One of the concerns that was raised during the hearings was that by banning conversion therapy LGBTQIA youth would not seek therapy. I am happy to respond, [as shown in the report](#), banning conversion therapy will not stop LGBTQIA youth from seeking therapy.

What the taskforce did find is that there is barrier for ALL minors from seeking mental health care. That barrier can be the minor's parent or guardian they may either not support mental health care or the minor does not want them to know why they are seeking mental health care. SB 768 will help remove that barrier from all minors seeking mental health care.

The LGBT Caucus of the DPH asks that you support this very important bill as it will help ensure that ALL youth will have access to mental health care.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

Helping Hawai'i Live Well

To: Senator Karl Rhoads, Chair, Senator Glenn Wakai, Vice Chair, Members, Senate Committee on Judiciary

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 768 SD1 RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

Hearing: February 21, 2019, 9:00 am, CR 016

Thank you for hearing **Senate Bill 768 SD1**, which amends Section 323B-3 of the Hawaii Revised Statutes to prohibit health plans and providers from disclosing to a policy holder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. The bill also specifies that the minor and the minor's parent or legal guardian are not responsible for out of pocket payments for minor-initiated mental health treatment or counseling services.

Mental Health America of Hawaii (MHAH) is a 501(c)3 organization founded in Hawai'i 77 years ago, that serves the community by promoting mental health through advocacy, education and service. We support youth mental health in Hawaii through our Youth Suicide and Bullying Prevention Program and through our advocacy work. In 2016 we provided testimony in support of SB 2886 SD2 HD2 CD1 which became Act 181, allowing minors fourteen years or older to consent to their own mental health treatment. Sometimes youth need to talk to a mental health professional but may not feel safe or comfortable asking their parent for consent for a variety of reasons, which may include family violence, sexual abuse, or substance abuse.

Implementation of Act 181 demonstrated the need for this bill to fulfill Act 181's intention, which is for minors that are unable to disclose their need for mental health services to their parents to be able to receive care without disclosure. Unfortunately it is sometimes critical to their safety that minors are able to receive treatment without their parent or legal guardian finding out. In those cases, it is important that they do not find out through their health insurance company and that they are not responsible for out-of-pocket costs they did not consent to. Youth must also not be held responsible for out-of-pocket costs that would be a barrier to receiving services.

In mental health, access to care is everything and we humbly ask you to authorize this change to increase access for youth in these circumstances. Thank you for considering my **testimony in support of SB 768 SD1**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 18, 2019

To: Representative Chris Lee, Chair
And members of the Committee of Judiciary

TESTIMONY IN SUPPORT OF SB 768 RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

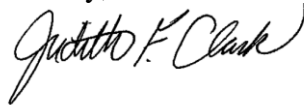
Hawaii Youth Network Services, a statewide coalition of youth- serving organizations, supports SB 768 Relating to Adolescent Mental Health Services

Youth aged 14 and older may consent for mental health services. Sometimes the involvement of the parent or guardian may be inappropriate and the law allows for minors to receive services without parental notification or involvement under those circumstances.

This bill will prevent medical insurance providers from disclosing treatment and billing information to parents if the mental health counseling services were provided without the consent or participation of the parents. This will ensure that confidentiality of services is maintained as intended by the minor consent law.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-
8995

Testimony in SUPPORT of SB768_SD1
RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

COMMITTEE ON JUDICIARY

Kenekoa/Senator Karl Rhoads, Luna Ho'omaluku/Chair
Kenekoa/Senator Glenn Wakai, Hope Luna Ho'omaluku Vice Chair

Thursday, February 21, 2019, 9:00 AM
Conference Room 016
State Capitol, 415 South Beretania St

The Hawai'i Psychological Association (HPA) supports this bill and its efforts to ensure minors can access counseling and mental health services without their parents' knowledge by clarifying the expectations of the health plans when adolescents choose to consent to their own mental health services. This bill prohibits health plans from disclosing to a policy holder or other covered person any payment information for mental health services that are given upon the consent of a minor according to §577-29, HRS. The bill further specifies that the minor, minor's parents, or legal guardian are not responsible for out-of-pocket payments for minor-initiated mental health services. We do not object to the section requiring providers to discuss confidentiality with adolescent clients and we want to assure the legislature that this is already the standard practice among psychologists treating young people.

The suppression of the explanation of benefits (EOB) by the insurance plan is a standard practice where minor consent laws exist. If such a suppression were not required, the minor's privacy would not be retained, resulting in a decrease in the access to confidential mental health services. Health plans will be required to have standard operating practices to suppress the EOB in circumstances where a consenting minor is receiving mental health services. This bill is a product of a task force led by the Department of Health (DOH), Child and Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task force was comprised of legislators, representatives of health insurers, state agencies, advocates, and community members, including an HPA representative.

A list of task force attendees and a summary of task force findings may be found in the task force's legislative report: https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf.

Thank you for the opportunity to provide input into this important bill.

Sincerely,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee

SB-768-SD-1

Submitted on: 2/19/2019 10:26:02 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

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

Comments:



February 19, 2019

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Judiciary

Re: SB 768 SD1 – Relating the Adolescent Mental Health Services

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 768, SD1, which prohibits health plans and providers from disclosing to a policyholder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. It specifies that licensed mental health professionals providing mental health treatment to a minor have a standard of care duty to ask the minor if the minor wants the provision of mental health care services to be kept confidential from the minor's parent or guardian and explain to the minor the meaning of confidential mental health care services. It clarifies that a minor is not responsible for out-of-pocket payments, regardless of parent or guardian participation in treatment or services received. It also specifies that the minor's parent or legal guardian is not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services, except in certain circumstances.

HMSA appreciates the intent of this measure to protect the privacy of minors and increase access for mental health services; however, as worded, we have serious concerns on this measure. This bill creates a separate obligation that could undermine the intent of Hawaii's Health Insurance Portability and Accountability Act (HIPAA) Harmonization Law passed in 2012. The Harmonization Law consolidated Hawaii's approximately 50 separate privacy laws and aligned them with HIPAA. Returning to multiple overlapping privacy laws causes confusion and complexity as well as administrative burden for plans and providers. We believe that existing protections for health plan members under HIPAA are sufficient.

HMSA has mechanisms in place to prevent the disclosure of information regarding a member's mental health services if the member informs HMSA that the information should be kept confidential from the policyholder or other covered persons. We ask that health plans not be held liable if we are not properly informed in a timely manner that the mental health services provided should not be disclosed.

Thank you for allowing us to provide testimony on SB 768, SD1.

Sincerely,

Pono Chong
Vice President, Government Relations



February 20, 2019

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Judiciary

LATE

Senate Bill 768 SD1 – Relating to Adolescent Mental Health Services

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify on SB 768, SD1, which prohibits health plans and providers from disclosing to a policyholder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. It specifies that licensed mental health professionals providing mental health treatment to a minor have a standard of care duty to ask the minor if the minor wants the provision of mental health care services to be kept confidential from the minor's parent or guardian and explain to the minor the meaning of confidential mental health care services. It clarifies that a minor is not responsible for out-of-pocket payments, regardless of parent or guardian participation in treatment or services received. It also specifies that the minor's parent or legal guardian is not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services, except in certain circumstances.

We appreciate the intent of this measure, but would like to express concerns. We believe that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) adequately provides for the privacy of any patient. Moreover, by creating an additional privacy requirement, we believe this measure goes against the intent of Hawaii's 2012 HIPAA Harmonization Law, which consolidated Hawaii's approximately 50 separate privacy laws to conform with HIPAA.

Thank you for allowing us to testify expressing concerns on SB 768, SD1.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

SB-768-SD-1

Submitted on: 2/16/2019 9:33:54 PM

Testimony for JDC on 2/21/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB768.

Mike Golojuch, Sr., Board Member, Rainbow Family 808

SB-768-SD-1

Submitted on: 2/19/2019 8:48:57 AM

Testimony for JDC on 2/21/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andres Gonzalez	Individual	Support	No

Comments: