

# SB768

Measure Title: RELATING TO ADOLESCENT MENTAL HEALTH SERVICES.

Report Title: Adolescent Mental Health Services; Payment Disclosure

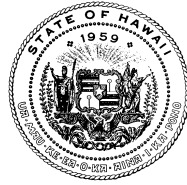
Description: Prohibits health plans and providers from disclosing to a policyholder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. Specifies 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.

Companion:

Package: None

Current Referral: CPH, JDC

Introducer(s): BAKER, KIDANI, MORIWAKI, Nishihara, Ruderman



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

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

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: January 31, 2019, 9:30 AM      Room Number: 229

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](https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf).

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

Testimony of  
Joy Barua  
Senior Director, Government and Community Relations & Community Benefit

Before:  
Senate Committee on Commerce, Consumer Protection, and Health  
The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair

January 31, 2019  
9:30 a.m.  
Conference Room 229

**Re: SB768, Relating to Adolescent Mental Health Services**

Chair Baker, Vice-Chair Chang, and committee members, thank you for this opportunity to provide testimony on SB768, 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. 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.

**Kaiser Permanente Hawai'i offers COMMENTS as follows:**

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for over 255,000 members. Each day, more than 4,500 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians come to work at Kaiser Permanente Hawai'i to care for our members at Moanalua Medical Center and our 27 medical clinics, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

While Kaiser Permanente agrees with the general intent of SB768, the bill does not address referrals and encounters involving outside providers and fee-for-service providers. In particular, the bill does not address billing and reimbursement involving confidential encounters by minors with outside providers. Under the current HIPAA requirement for confidential communications hospitals generally inform patients at time of visit regarding their responsibility to notify their health plan of their request for confidential communications. This bill appears to make it the covered entity's responsibility.

Thank you for the opportunity to offer comments.

## Helping Hawai'i Live Well

To: Senator Rosalyn Baker, Chair, Senator Stanley Chang, Vice Chair, Members, Senate Committee on Consumer Protection and Health

From: Trisha Kajimura, Executive Director

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

**Hearing: January 31, 2019, 9:30 am, CR 229**

Thank you for hearing **Senate Bill 768**, 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**. Please contact me at [trisha.kajimura@mentalhealthhawaii.org](mailto:trisha.kajimura@mentalhealthhawaii.org) or (808)521-1846 if you have any questions.

**SB-768**

Submitted on: 1/30/2019 8:16:16 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

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

Comments:



January 25, 2019

Senate's Committee on Commerce, Consumer Protection, and Health  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, HI 96813

Hearing: Thursday, January 31, 2019 – 9:30 a.m.

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

Aloha Chair Baker, Vice Chair Chang and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 768 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 768 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



January 29, 2019

Senate Committee on Commerce, Consumer Protection & Health  
The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair

Re: SB 768 – Relating the Adolescent Mental Health Services

Dear Chair Baker, Vice Chair Chang, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 768, 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 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.

HMSA has mechanisms in place to prevent the disclosure of information regarding a minor's mental health services if the minor, or their health care provider, 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 the plans are not properly informed in a timely manner by the minor or their health care provider that the mental health services provided should not be disclosed.

Thank you for allowing us to provide comments on SB 768.

Sincerely,

Pono Chong  
Vice President, Government Relations





# Hawai'i Psychological Association

*For a Healthy Hawai'i*

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P.O. Box  
833  
Honolulu,  
HI 96808

[www.hawaiipsychology.org](http://www.hawaiipsychology.org)

Email:  
[hpaexec@gmail.com](mailto:hpaexec@gmail.com)  
Phone: (808)  
521-8995

Testimony in SUPPORT of SB768  
RELATING TO ADOLESCENT MENTAL HEALTH SERVICES

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

Thursday, January 31, 2019  
9:30 AM  
Conference Room 229  
State Capitol  
415 South Beretania Street

The Hawaii 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.

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](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, Legislative Action Committee

Hawai'i Psychological Association

**SB-768**

Submitted on: 1/26/2019 8:48:24 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Canales	Individual	Support	No

Comments:

Strongly Support

**SB-768**

Submitted on: 1/26/2019 9:03:23 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB768.

Michael Golojuch, Sr.

**SB-768**

Submitted on: 1/27/2019 12:01:08 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Kay	Individual	Support	No

Comments:

In strong support.

**SB-768**

Submitted on: 1/28/2019 3:27:56 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

**SB-768**

Submitted on: 1/28/2019 5:53:07 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

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

Comments:

**SB-768**

Submitted on: 1/30/2019 7:01:14 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Park	Individual	Support	No

## Comments:

Youth have a right to medical privacy, as much as adults. In many cases this privacy is vital to accessing healthcare, particularly for LGBTQA youth. These kids are vulnerable to life-wrecking repercussions if outted to unsupportive family members. These repercussions deter them from getting the healthcare they need. Mental health is a serious issue for all youth. For LGTBQA youth, it is a critical issue. According to the CDC, suicide is the 2nd leading cause of death for kids 10 and older [1]. LGB youth are 5 times as likely to attempt suicide than straight children [1]. In a 2015 study, 40% of transgender adults admitted they attempted suicide at least once, and those are just the ones that made it. We need to ensure that LGTBQA youth have access to mental healthcare, and ensuring privacy is critical to making that happen. This bill protects their privacy, giving them the same promise of confidentiality that adults are entitled to. I urge you to pass this bill.

[1] <https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/>