

STAND. COM. REP. NO.

3457

Honolulu, Hawaii

MAY 12 2020

RE: H.B. No. 2043  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred H.B. No. 2043, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ADOLESCENT MENTAL HEALTH  
CARE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatment or counseling services to minors without parental or legal guardian consent, knowledge, or participation;
- (2) Require a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate; and
- (3) Require a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Youth Services Network,



Hawaii Substance Abuse Coalition, Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Parents and Children Together, Hawai'i Public Health Association, League of Women Voters of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from ten individuals. Your Committee received comments on this measure from the Hawaii Medical Service Association and Hawaii Association of Health Plans.

Your Committee finds that the Department of Health convened a task force, pursuant to Act 13, Session Laws of Hawaii 2018, to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. The findings of the task force revealed that there was general agreement amongst task force members to amend existing law to increase access to adolescent mental health services. Accordingly, this measure, which is a product of the task force led by the Department of Health's Child and Adolescent Mental Health Division, improves timeliness and access to care in the development of minor's mental health issues.

Your Committee has amended this measure by:

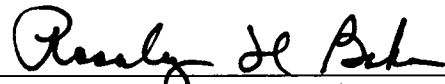
- (1) Deleting language that would have required a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities;
- (2) Inserting language to require a mental health professional to ensure that the covered entity has been notified that minor-initiated mental health treatment or counseling services should not be disclosed;
- (3) Clarifying provisions related to the policies and procedures of a covered entity to maintain nondisclosure of minor-initiated mental health treatment or counseling services; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is



attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2043, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2043, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,



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ROSALYN H. BAKER, Chair



