

STAND. COM. REP. NO.

100

Honolulu, Hawaii

FEB 07 2019

RE: S.B. No. 538  
S.D. 1

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

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 538 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize mental health professionals acting under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors initiating mental health treatment without the consent of the minor's parent or legal guardian.

Your Committee received testimony in support of this measure from the Department of Health, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Rainbow Family 808, and eleven individuals.

Your Committee finds that minors may initiate mental health services without having to obtain the permission of their parent or guardian. However, under existing law, these services may only be provided by licensed mental health professionals. Your Committee further finds that most readily available low- or no-cost mental health treatment or counseling services are provided by unlicensed professionals in the process of completing post-degree experience required for state licensure and who are



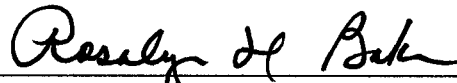
practicing under the supervision of licensed mental health professionals. This measure reduces barriers for minors seeking mental health treatment by expanding authorized providers of minor-initiated mental health services to include mental health professionals who are in the process of completing state licensure and working under the supervision of a licensed mental health professional.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "mental health professional" to ensure all relevant professions are included; and
- (2) Making technical, nonsubstance 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 S.B. No. 538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 538, 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



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 538	CPH, JDC	1/31/19		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" 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)	✓			
KEOHOKALOPE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7			
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes