

Honolulu, Hawaii

FEB 07 2019

RE: S.B. No. 768
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. 768 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit health plans and providers from disclosing any payment or billing information for a minor's mental health services to a policyholder or other covered person if the minor received the services without the consent or participation of the minor's parent or legal guardian; and
- (2) Specify 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.

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, the LGBT Caucus of the Democratic Party of Hawai'i, the Hawai'i Psychological Association, and seven individuals. Your Committee received comments on this measure



from Kaiser Permanente Hawai'i and Hawaii Medical Service Association.

Your Committee finds that minors may need mental health services but do not feel safe or comfortable obtaining their parent or guardian's consent for treatment. Existing law permits minors fourteen years or older to consent to mental health treatment with the option of keeping that treatment confidential from their parent or guardian. However, existing law does not explicitly prevent health plans from disclosing billing information related to minor-initiated mental health services. Your Committee notes that the suppression of explanation of benefits is a standard practice where minor consent laws exist. This measure therefore reduces barriers for minors seeking mental health treatment by ensuring a minor's privacy is maintained when the minor seeks treatment.

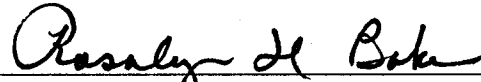
Your Committee has amended this measure by:

- (1) Specifying that a mental health professional has a standard of care duty to:
 - (A) Ask a minor if the minor would like the provision of mental health treatment or counseling kept confidential from the minor's parent or guardian; and
 - (B) Explain to the minor what confidentiality means with regard to mental health services;
- (2) Clarifying that a minor is not responsible for any payment, including out-of-pocket payments, due for minor-initiated mental health treatment or counseling services, regardless of parent or guardian participation;
- (3) Clarifying that a minor's parent or guardian is not liable for out-of-pocket payments for minor-initiated mental health treatment or counseling services, except in certain circumstances; 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 S.B. No. 768, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 768, 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,



ROSALYN H. BAKER, Chair



