

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



**Testimony in SUPPORT of HB2043 HD1  
RELATING TO ADOLESCENT MENTAL HEALTH CARE**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

REPRESENTATIVE ROY M. TAKUMI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: Wednesday, February 12, 2020, 2:05 PM Room Number: 325

1 **Department Position:** The Department of Health strongly **SUPPORTS** this bill which can  
2 increase access of mental health treatment and services for youth.

3 **Department Testimony:** The subject matter of this measure falls within the scope of the  
4 Department's Behavioral Health Administration (BHA) whose statutory mandate is to assure a  
5 comprehensive statewide behavioral health care system by leveraging and coordinating public,  
6 private and community resources. Through the BHA, the Department is committed to carrying  
7 out this mandate by reducing silos, ensuring behavioral health care is readily accessible, and  
8 person centered. The BHA's Child and Adolescent Mental Health Division (CAMHD) provides  
9 the following testimony on behalf of the Department.

10 This bill broadens the types of mental health service providers who can work with youth to  
11 include therapists-in-training who are supervised by a licensed mental health provider, and  
12 allows for non-disclosure of youth treatment and services provided without the youth's parental  
13 or legal guardian consent, knowledge or participation, when appropriate, because youth are  
14 reluctant to seek mental health services when there is such disclosure. Neither youth nor their  
15 parents or legal guardians will be charged out-of-pocket expenses while mental health providers  
16 are entitled to compensation through the youth's insurance.

1 According to the Department of Health's HIPAA (Health Insurance Portability & Accountability  
2 Act) Office, regarding unemancipated minors:

- 3 • This bill is consistent with HIPAA and Hawaii State's Harmonization Law. The  
4 Harmonization Act of 2012, HRS § 323B-3 (a), "...deems that any State covered entity  
5 or business associate who uses and disclose individually identifiable health information  
6 following HIPAA subpart E, will be in compliance with all State laws regarding use,  
7 disclosure, or confidentiality of such information." As such, the provision in this bill  
8 requiring confidentiality of unemancipated minor-initiated mental health treatment is  
9 consistent with 45 CFR § 164.502(g)(3)(ii)(B) and, therefore, with Harmonization, "...to  
10 the extent, prohibited by an applicable provision of State law or other law, including  
11 applicable case law, a covered entity **may not** disclose or provide access... to protected  
12 health information of an unemancipated minor to a parent, guardian, or other person  
13 acting *in loco parentis*..."; and
- 14 • ***If state law prohibits*** the disclosing of an unemancipated minor's protected health  
15 information (PHI), the covered entity **may not** disclose such information to the parent,  
16 guardian, or person acting *in loco parentis*. (45 CFR §164.502(g)(3)(ii)(B)) Therefore, if  
17 the confidentiality provision becomes law, it will be mandatory for the covered entity not  
18 to disclose the unemancipated minor's PHI to parents, guardian, etc.

19 **Offered Amendments:** This bill is a revision of the 2019 SB768 "Adolescent Mental Health  
20 Services" to address concerns over non-disclosure, and is a product of the Act 13, SLH 2018  
21 Task Force.

22 **Fiscal Implications:** None.

23 Thank you for the opportunity to testify on this bill.

**HB-2043-HD-1**

Submitted on: 2/10/2020 1:48:30 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pride at Work - Hawaii	Pride @ Work - Hawaii	Support	No

Comments:



February 10, 2020

House's Committees on Judiciary & Consumer Protection and Commerce  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, HI 96813

Hearing: Wednesday, February 12, 2019 – 2:05 p.m.

**RE: STRONG SUPPORT for House Bill 2043**

Aloha Chair Lee, Chair Takumi, and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 2043 House Draft 1 on behalf of the LGBT Caucus of the Democratic Party of Hawaii'i. HB 2043 HD 1 will 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. Requires a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate. Requires a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

HB 2043 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. HB 2043 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

# 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](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

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

Kokua Ohana Aloha (KOA)

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 10, 2020

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

Representative Roy Takumi, Chair  
And members of the Committee on Consumer Protection and Commerce

## **Testimony in Support of HB 2043 HD1 Related to Adolescent Mental Health Care**

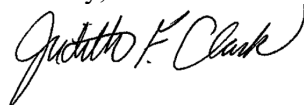
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 2043 HD1 Relating to Adolescent Mental Health Care.

Youth aged 14 and older may consent for mental health services in emergency situations or when the involvement of a parent or guardian would not be in the child's best interests.

When the law was originally passed, it did not consider the involvement of an unlicensed mental health professional who is working under the supervision of a licensed professional. This occurs, for example, when a recent graduate of a counseling program is accruing the hours needed to qualify for licensure. This bill will clarify that the right to consent for mental health services includes such mental health workers.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

**HB-2043-HD-1**

Submitted on: 2/10/2020 4:00:45 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

**HB-2043-HD-1**

Submitted on: 2/10/2020 10:21:51 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rainbow	Rainbow Family 808	Support	Yes

Comments:

Rainbow Family 808 has the self identified responsibility to Support Individuals and families. As such we Strongly Support HB2043 HD1 because our minors and youth are the most At Risk population. They have no power, little support and can't vote for their health care, basic needs and protection.

Hawai`i as the rest of the 50 states have minors and youth in need of the forementioned needs. Unfortunately, Honolulu is the only city of a million or more residents without 24/7 Shelter for our Minors, those under the age of 18. This is one of the issues that cause them stress and anxiety to the max. In addition to this, the only avenue they have for shelter is with the Foster Care Program which abides by it's self imposed rule to return the Homeless Minors to their familial home even if there is inadequate care provided by the family of origin.

Many times they are running away from abuse, either sexual or physical and or verbal abuse. These situation only causes them more anxiety. These are national stats and need to be taken into consideration when deciding on the need for HB2043 HD1.

In an unjust world, Hawai`i has a responsibility to care for the well being and care of our minors, whether they are Homeless/Unaccompanied or otherwise. Rainbow Family 808 asks that HB2043 HD1 be passed in a swift manner for the compassionate benefit of all our children. Thank you for your attention to our children.



HAWAII SUBSTANCE ABUSE COALITION

## **HB2043 Confidentiality for Minors with Mental Illness**

COMMITTEE ON JUDICIARY:

- Rep. Chris Lee, Chair; Rep. Joy San Buenaventura, Vice Chair
- COMMITTEE ON CONSUMER PROTECTION & COMMERCE:
- Rep. Roy Takumi, Chair; Rep. Linda Ichiyama, Vice Chair
- Wednesday, Feb. 12th, 2020: 2:05 pm
- Conference Room 325

### **Hawaii Substance Abuse Coalition Supports HB2043:**

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS.

My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 non-profit alcohol and drug treatment and prevention agencies.

This law is working well with minors having substance abuse and would benefit minors with mental illness.

- 1) Minors would not have to wait but could get treatment right away, providing the minor wants help.
- 2) Parent don't need to be notified to start. Will greatly expedite services.
- 3) Parents can be notified afterwards.
  - Some parents are not healthy and often impede treatment.
  - Some parents are healthy but are in denial due to stigma, hence they impede treatment or at best delay treatment.
  - Some parents are helpful and will be engaged right after treatment begins.
- 4) Many minors feel shame and are reluctant to inform their parents until after counselors help the minor work through their feelings and so they can now engage their parents.
- 5) Providers evolve to build processes to include helpful parents because they need their help for ongoing treatment. Parents get involved early on just after the initial treatment has begun. Parents become part of the process and are better informed going forward.

This bill will greatly help to improve timeliness and access to care earlier in the development of minors' mental health issues.

We appreciate the opportunity to provide testimony and are available for questions.





Wednesday, February 12, 2020

House Bill 2043 HD1  
Testifying in Support

Aloha Chairs Lee and Takumi, Vice Chairs San Buenaventura and Ichiyama, and Members of the Committees of Judiciary and Consumer Protection and Commerce,

The Democratic Part of Hawaii (The Party) stands in **support of HB2043 HD1**, Relating to Adolescent Mental Health Care. The bill allows 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. It also requires a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate, and requires a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Around the world it is standard practice that once a behavioral health professional has completed most of their schooling and is in their practicum phase, they begin seeing patients under the supervision of a licensed professional. Adults already see these professionals, and it is good and necessary next step to allow minors the same rights.

There is shortage of licensed behavioral health professionals in Hawaii, specifically on neighbor islands.

“New data from the University of Hawaii reveals a health system in crisis. In 2017, Hawaii was short more than 750 physicians across the medical field, according to University of Hawaii professor Kelley Withy, who conducts an annual workforce survey. This calculation accounts for differing needs on neighbor islands and the unique demand for medical specialties like psychiatry.

Experts say filling the void is practically impossible, as it would require that the state increase its physician workforce by about 25 percent. Luring new doctors to Hawaii is complicated by myriad factors, not the least of which is the state’s high cost of living coupled with its relatively low rates for insurance reimbursement.

When it comes to psychiatrists, the UH data reveals a 10 percent statewide shortage. The gravest scarcity is on Kauai and Hawaii islands, which are tied with a whopping 33 percent shortage.”

For these reasons we urge to vote favorably on this bill and expand treatment options for minors seeking help with behavioral health challenges.

Mahalo for the opportunity to testify,



Josh Frost  
Co-Chair, Legislation Committee  
Democratic Party of Hawai'i



Zahava Zaidoff  
Co-Chair, Legislation Committee  
Democratic Party of Hawai'i

<https://www.civilbeat.org/2018/09/hawaiis-mental-health-care-crisis/>

**HB-2043-HD-1**

Submitted on: 2/11/2020 11:27:05 AM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter Tuiolosega Silva	Hawaii Island HIV/AIDS Foundation	Support	No

Comments:

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.

**HB-2043-HD-1**

Submitted on: 2/11/2020 12:14:26 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
amy agbayani	Filipina Advocacy Network FAN	Support	No

Comments:



# Hawai'i Psychological Association

*For a Healthy Hawai'i*

P.O. Box  
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Honolulu,  
HI 96808

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

Email:  
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Phone: (808)  
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Testimony IN STRONG SUPPORT of HB2043 HD1  
RELATING TO ADOLESCENT MENTAL HEALTH CARE

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair

**LATE**

DATE: Wednesday, February 12, 2020  
TIME: 2:05pm  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

The Hawaii Psychological Association (HPA) strongly supports HB2043 HD1 because it is consistent with our interest in ensuring access to quality mental health services to the diverse people of Hawai'i. If passed, this bill would help increase the capacity of our public and private mental health systems to provide mental health services for adolescents who are seeking counseling, but who do not want to obtain permission from a parent or do not want to disclose their reasons for seeking help to a parent.

When the original bill changing the age of consent for mental health services to 14 was passed by the legislature in the 2016 session, it was a helpful step forward in ensuring that youth who are suffering emotionally can get help. However, the current statute includes two potential barriers to seeking this help which HB2043 HD1 is designed to address.

First, the current statute applies only to services provided by licensed mental health professionals. As you may be aware, most of the readily available low- or no-cost services in Hawaii are provided – not by licensed professionals – but by unlicensed professionals who are in the process of meeting all the requirements for full licensure under the supervision of a licensed professional. This includes interns, practicum students, psychiatric residents, and newer graduates who have not completed all the requisite hours of experience or passed the examination necessary for licensure. In general, licensure as a mental health professional of any kind in Hawaii requires at least a year of full-time supervised practice after graduating with the relevant degree. One purpose of this bill is to authorize these mental health professionals working under the supervision of a fully licensed mental health professional to provide mental health treatment or counseling services to minors without parental consent when this is clinically indicated.

Secondly, we are also in strong support of this bill's intention to ensure minors can access counseling and mental health services without their parents' knowledge by clarifying the requirement for health insurance 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 provided upon the consent of a minor according to §577-29, HRS. This bill further specifies that the provider shall help the minor inform the plan when the youth wants their information withheld from the parents or legal guardian. It maintains the provisions of the current statute that minors and their guardians 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 are required to have standard operating practices to suppress the EOB in circumstances where a consenting minor is receiving mental health services. **HPA members stand ready to help educate our colleagues and other mental health providers about their responsibilities both to assess whether there is a need to keep a youth's treatment confidential from parents and to help minors request confidentiality from their health plan.**

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 in which HPA was a participant. The task force focused primarily on questions regarding counseling practices with LGBTQ youth. These youth often feel alienated from their parents and other family members or fear revealing their struggles around their sexual orientation and/or gender identity to their parents. The ability to find a counselor without having to involve a parent can be especially crucial for these youth who are at elevated risk of serious mental health difficulties and suicide. In addition, some youth are reluctant to disclose their concerns to their parents for a wide variety of other reasons, such as undisclosed sexual abuse, substance abuse problems, and situations of high family conflict.

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

Sincerely,

Julie Takishima-Lacasa, Ph.D., President  
Chair, Legislative Action Committee  
Hawai'i Psychological Association



February 11, 2020

**LATE**

The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
House Committee on Consumer Protection & Commerce

Re: HB 2043, HD1 – Relating to Adolescent Mental Health Care

Dear Chair Lee, Chair Takumi, Vice Chair San Buenaventura, Vice Chair Ichiyama, and Members of the Committees:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2277, which allows an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatments or counseling services to minors without parental or legal guardian consent, knowledge, or participation. It also requires a mental health professional to assist a minor with completing a non-disclosure notification form to send to covered entities, when appropriate. And it requires a covered entity, upon receiving a completed notification form, to maintain confidentiality of minor-initiated mental health treatment or counseling services.

HMSA supports the intent of this measure. All covered entities, including health care providers and insurance plans, are bound by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which provides for the privacy of patients. As such, HMSA has an existing process in place for protecting the privacy of patients that adheres to federal regulations and is in line with the intent of this measure. An additional state privacy requirement goes against the intent of Hawaii's 2012 HIPAA Harmonization Law, which consolidated Hawaii's approximately 50 separate privacy laws to conform with HIPAA.

We are working on amendments with the Department of Health to address some of our concerns.

Thank you for allowing us to provide these comments on SB 2277.

Sincerely,

Jennifer Diesman  
Senior Vice-President Government Relations



Parents And  
Children Together  
BUILDING THE RELATIONSHIPS THAT MATTER MOST

**LATE**

**TO: Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary and Chair Takumi, Vice Chair Ichiyama, and Members of the House Committee on Consumer Protection and Commerce**

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: February 12, 2020; 2:05 p.m., Conference Room 325**

**RE: TESTIMONY IN SUPPORT OF HB 2043 HD1– RELATING TO ADOLESCENT MENTAL HEALTH CARE**

**We ask you to support HB 2043 HD 1 which** amends Section 577-29 of the Hawaii Revised Statutes to improve minors' access to mental health care by:

1. allowing unlicensed mental health professionals working under supervision of a licensed mental health professional to provide services in cases where minors consent to their own services;
2. requiring a mental health professional to assist the minor with completing a non-disclosure notification form to send entities, when appropriate; and
3. requiring a covered entity, upon receiving a completed notification form, to maintain confidentiality of minor-initiated mental health services.

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. This bill will increase access for teens. At the same time, it can be critical to their safety that these minors can access and receive treatment without their parent or legal guardian finding out. In these cases, it is important that they do not find out through their health insurance company. This bill provides greater opportunity for adolescents to seek help when they are experiencing a mental health issue and don't know where to turn, they may be fearful of what their parents would say, or they feel that their parents may not understand.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 2043 HD1**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.





February 12, 2020

**LATE**

To: The House Committee Members on Judiciary  
The Honorable Chris Lee, Chair  
The Honorable Joy San Buenaventura, Vice Chair

The House Committee Members on Consumer Protection & Commerce  
The Honorable Roy Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair

Re: Strong Support of HB2043 HD1, Relating to Adolescent Mental Health Care

Hrg: February 12, 2020 at 2:05 PM at Capitol Room 325

The Hawai'i Public Health Association (HPHA) is a group of over 600 community members, public health professionals and organizations statewide dedicated to improving public health. HPHA also serves as a voice for public health professionals and as a repository for information about public health in the Pacific.

HPHA strongly **supports** HB2043 HD1, which would allow unlicensed mental health professionals, 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.

Adolescent mental health is a public health priority and growing issues. Approximately 20% of teens experience a serious mental health disorder during their lifetime.[1] The number of adolescents who experienced major depressive episodes increased by almost a third from 2005 to 2014.[2] Mental health disorders can impact a variety of daily activities and functioning (e.g., relationships, schoolwork, sleeping, and eating).[3] Access to appropriate mental health services can make a difference in the lives of adolescents with mental disorders.[4] This measure will improve such access for adolescents. Early intervention and treatment can improve their health and well-being over the course of their lives.

Thank you for the opportunity to provide testimony on important health issues affecting people in Hawai'i.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Claire Townsend Ing', is written over the typed name.

Claire Townsend Ing  
Legislative Committee Chair  
Hawai'i Public Health Association



Literature Cited:

1. U.S. Department of Health and Human Services, National Institute of Mental Health. (2017). *Mental illness*.
2. Mojtabai, R., Olfson, M., & Han, B. (2016). National trends in the prevalence and treatment of depression in adolescents and young adults. *Pediatrics*, 138(6).
3. U.S. Department of Health and Human Services, National Institute of Mental Health. (2016). *Child and adolescent mental health*.
4. US Department of Health and Human Services Health Resources and Services Administration & Maternal and Child Health Bureau. *Mental health: A report of the Surgeon General*.

**LATE**

**HB-2043-HD-1**

Submitted on: 2/12/2020 12:09:37 PM  
Testimony for JUD on 2/12/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Hawaii Health and Harm Reduction Center	Support	No

Comments:

Thank you for the opportunity to submit testimony.

The Hawaii Health and Harm Reduction Center strongly supports HB 2043 which will increase access to mental health treatment for minors.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBQ and the Native Hawaiian communities. We foster health, wellness, and systemic change in Hawai'i and the Pacific through care services, advocacy, training, prevention, education, and capacity building. HHHRC works at the intersection of homelessness, substance use and mental health.

Many of HHHRCs participants are minors and struggle with access to culturally competent mental health care - and this is especially true for our LGBT youth.

HB 2043 will allow more access to needed services and we appreciate your support.

**HB-2043-HD-1**

Submitted on: 2/10/2020 2:32:19 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha,

As a an active community member, taxpayer, and public health professional, I strongly support HB2043. This bill will 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. This is especially important for our sexual and gender minority youth, who are more at risk for mental health issues, suicidality, and substance misuse, according to recent health department data.

Thank you for your time and consideration.

With aloha,

Thaddeus Pham

**HB-2043-HD-1**

Submitted on: 2/10/2020 5:48:34 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise M.L.N. Chun	Individual	Support	No

Comments:

Hello,

My name is Denise, and I have an MACP in clinical psychology with an MFT counseling terminus; and a second post graduate degree, MPA Justice Administration. I graduated summa cum laude. I recently relocated to Hawaii and to my dismay all social work positions require a license of some sort. I believe this is a state requirement and the contracted health care companies pass this requirement on to their staff. In California I worked as a therapist unlicensed. I was able to do this because the primary care integrated behavioral health clinic's license allowed for this and the State of California's laws and guidelines allow for this. As a result I spent 5 years clinically assessing, diagnosing and developing treatment plans and then providing individual and group and documenting progress in our clinic's electronic records. My patients were adults who were marginally or unstably housed, had chronic medical problems with mild to moderate to severe mental health and substance abuse problems; these were trauma driven profiles with significant psychosocial stressors. At the time I presented my cases weekly to a Stanford staff psychiatrist and my immediate clinical supervisor, a licensed clinical forensic psychologist. I did very complex work that required me to at times case manage across multiple delivery of services systems. The safeguard is the presentation of cases weekly to experienced personnel, who either confirmed or refined my diagnosis and treatment trajectory. My patients improved and I was comfortable working with homeless, undocuemented and seriously mentally ill persons.

My graduate course work, and required pre-graduate intenship gauranteed I was exposed to genuine mental health cases that were complex in nature. I interned at a mental health rehabilitation center, locked ward and found out I was kind of a "natural" for this sort of work.

Later I went to work for a hospital acute unit, and although I did not provide clinical assessments or did much counseling work, the experinece as a social worker discharge planner case manager, greatly enhanced my skill set, by developing the ability to identify and resolve barriers to discharge, so that the patient when medically cleared to leave, has a plan developed (by me) to transition to an appropriate lower level of care, in a timely and safe manner. This means insurance, services, placement and profile problems are already resolved and the goal is an improved health outcome, for medically complex patients, who may be homeless, without insurance or income,

questionable citizenship status and although no longer acute have limited choices for needed medical respite.

Yet, when I apply for work in Hawaii despite my employment experience and unique skill set, I am unable to provide the needed services to patients and clients of Hawaii, juvenile and adult alike. California is forward thinking and tends to be inclusive and takes the lead in problem solving. I am from California and in that legal framework, I was able to work to the fullest extent of my considerable skill to good patient effect. In Hawaii I am unable to provide services to anyone. Rather than argue with personnel or an HR department or navigate the out-of-state licensure route, I am looking at creating programs with my skill set. This maybe an option for me but what of the many others, who like me are highly trained and experienced but unlicensed.

Course work and applying your education in the field to hone your KSAs, makes a good clinician and therapist. A clinical supervisor, an M.D., PhD, PsyD or even the type of license allowing a clinic, hospital or health care company (provider under contract to the state of Hawaii) the latitude to hire unlicensed personnel willing to work under licensed personnel or the license of the facility, is the smart money...not what you currently have which artificially creates a backlog of need. The salaries are low in Hawaii, so who or what are you selecting for?

A license doesn't mean much to me...I relied on my education and learned from experience, from doing and making a commitment to better health outcomes for my patients - that is what has made me a successful practitioner and rekindled hope and therefore self-motivation in my patients.

Thank you for your time and kind consideration, please support this Bill and extend it's application to generalize to adults; making it an option for the employer to require vs the state requirement with providers complying just to secure the contract.

Aloha,

Denise M.L.N. Chun, MACP MFT, MPA

**HB-2043-HD-1**

Submitted on: 2/10/2020 5:52:17 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

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

Comments:

I definitely support HB2043. Our at-risk youth, as well as their peers, need to have access to all forms of mental health treatment. Please pass HB2043.

Mike Golojuch, Sr., Lt Col, USAF (Ret), MA, MPA

Secretary/Board Member Rainbow Family 808

Secretary/Board Member, Pride at Work

**HB-2043-HD-1**

Submitted on: 2/10/2020 6:41:13 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Salisbury	Individual	Support	No

Comments:



**HB-2043-HD-1**

Submitted on: 2/10/2020 7:35:31 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Causha A Spellman	Individual	Support	No

Comments:

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.

I understand the concern that some have for allowing minors to access mental health care on their own. However, we already allow 14 year olds and up to access mental health care from licensed mental health care professionals. The difficulty here, is that, we have a shortage of mental health care providers who are currently extending their services to minors who are 14 years old and up. Because of this, it would be extraordinarily helpful that they be allowed to access this same service with those who are currently earning their licensure under the supervision of someone who is currently licensed. As an adult, I have accessed mental health care by supervised professionals currently earning their licensure, and the resource is still valuable.

I ask you to take all of this into consideration, as well as the hardships facing our young people here in Hawaii, as you make your decision.

Mahalo!

**HB-2043-HD-1**

Submitted on: 2/10/2020 8:05:17 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Robinson-Onderko	Individual	Support	No

Comments:

**HB-2043-HD-1**

Submitted on: 2/11/2020 11:11:19 AM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Tomita	Individual	Support	No

Comments:

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.

**HB-2043-HD-1**

Submitted on: 2/11/2020 11:33:39 AM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amanda Martinez	Individual	Support	No

Comments:

**HB-2043-HD-1**

Submitted on: 2/11/2020 11:38:58 AM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lanore Hahn	Individual	Support	No

Comments:

Health disparities for LGBTQ+ populations are unjust. Without this bill, moving the needle on creating a more just society for all Hawai'i residents will simply be that much more challenging. I urge you to please think about the health and wellbeing of ALL of our residents. Mahalo!

**HB-2043-HD-1**

Submitted on: 2/11/2020 11:47:38 AM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hannah Wallace	Individual	Support	No

Comments:

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. Minors need access to mental health care especially in incidences where they are unsafe to vocalize such to their parents or guardians. This bill will save lives.

**HB-2043-HD-1**

Submitted on: 2/11/2020 1:58:35 PM

Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alyssa Yang	Individual	Support	No

Comments:

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.

**HB-2043-HD-1**

Submitted on: 2/11/2020 7:49:54 PM

Testimony for JUD on 2/12/2020 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Villers	Individual	Oppose	Yes

Comments:

Chair, Vice Chair, and Members,

I strongly oppose this bill for a number of reasons.

1. Unless the parental rights have been removed by the state, or there is some reason for not disclosing (for the safety of the child in an abusive situation, wherein shortly thereafter, the child ought to be removed from the household), then the parent has the right to know what treatment their child is receiving. Even if the content of the conversation with the therapist is confidential, the parent should still know that their child has been counseled by someone. That is the reason the law currently mandates attempted notification. This bill tramples parental rights.

2. We know that minors are very impressionable and subtle suggestions or ideas from a counselor could have significant effects. An adult may consent to mental health treatment by someone practicing under the supervision of a licensed professional, but a minor should only be treated/counseled by a licensed professional. There is a level of competence required and safeguards in licensing that helps protect those who are seeking treatment, and our youth, deserve the protection that demonstrated knowledge and competence provides.

3. To attempt to completely hide the fact that a minor had mental health treatment from the parents is highly detrimental to the family unit and the parent's ability to know what is happening to their child. This unnecessarily further creates family barriers. Unless there is a reason to believe the minor would be harmed, notifying the parent of therapy helps open the doors of communication and informs the parent that there is an issue that needs to be looked into and worked on together as a family unit. Children don't exist in a vacuum. No parent is perfect, but we can safely believe that the vast majority desire good for their children and want to be more connected and informed, not less.

4. This bill is also harmful to the business practices of insurance companies who are expected to just absorb the cost of these sessions/treatments.

For these reasons, I strongly oppose HB 2043 and request that you vote to not move this bill forward. Thank you for your time.



Kerrie Villers

**LATE**

**HB-2043-HD-1**

Submitted on: 2/12/2020 5:40:29 AM  
Testimony for JUD on 2/12/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Lum Lee	Individual	Support	No

Comments:

I am writing to support HB2043 HD1, which would allow unlicensed mental health professionals, 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. This measure also requires a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate. And lastly, this measure requires a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

There is a need for good mental health management and also understands that minors are a vulnerable demographic due to their mental health development taking place during their youth. Access to mental health services will undoubtedly support the mental development of minors receiving services and will give them another solid foundation for adulthood.

Thank you for the opportunity to provide testimony on this important health issue.

Christopher Lum Lee