



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

LATE

**Testimony in SUPPORT of HB2043 HD2 SD1
RELATING TO ADOLESCENT MENTAL HEALTH CARE**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: Tuesday, June 30, 2020, 9:46 AM

Room Number: 016

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 It is important to note that this minor-initiated outpatient services mental health services is **not**
11 new. According to the U.S. Department of Health of Human Services
12 (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4393016/>) as of 2016 as many as 39 states had
13 laws that allowed minors to initiate mental health services. Hawaii's law to allow minors to
14 initiate outpatient services passed in 2016. This legislative proposal ensures confidentiality of
15 minor initiated outpatient mental health services.

16 Young people may need mental health treatment for a variety of reasons - the most worrisome of
17 which include thoughts about suicide. In the most recently published (2013) Hawaii Youth Risk
18 Behavior Survey, 17% of youth in Hawaii public high schools statewide reported that they had
19 seriously considered suicide over the past year. Often, parents seek mental health treatment on

1 their behalf, but in some circumstances, minors may be uncomfortable talking with their parents
2 about the problems they are grappling with. Hawaii Revised Statutes currently allow youth 14
3 years old and older to seek counseling without their parents' consent. However, there are some
4 serious barriers to their making use of this option. The purpose of the bill is to increase access to
5 mental health services for youth 14 years of age or older, by decreasing these barriers through:

- 6 • Allowing therapists-in-training, under the direct supervision of a licensed mental health
7 professional, to engage in minor-initiated mental health counseling without parental
8 consent. Provision of care by a health professional-in-training is already **standard**
9 **practice** in the field of health, is occurring every day in various settings when parents
10 seek treatment for their children and is a fully billable service within Medicaid. In
11 addition, this practice is vital in order for more individuals to obtain the supervised
12 practice they need to gain licensure and to expand the mental health workforce in our
13 state; and
- 14 • Non-disclosure of youth-initiated outpatient mental health treatment to a parent or legal
15 guardian, when deemed appropriate by a licensed clinician, is an essential feature to
16 increase accessibility of services. Without such a provision, youth decline seeking
17 healthcare services of all kinds, especially mental health. This non-disclosure will be
18 maintained by insurance privacy policies and the absence of youth or parental out-of-
19 pocket expenses.

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

- 22 1. Under HIPAA, if state law allows the disclosure of an unemancipated minor's protected
23 health information to their parent, guardian, or a person acting in loco parentis, the
24 covered entity (either the therapist or health plan) may disclose the minor's information.
25 The covered entity may also choose not to disclose. Confidentiality is permissive.
- 26 2. However, if state law prohibits the disclosing of an unemancipated minor's protected
27 health information, HIPAA says that the covered entity may not disclose such

1 information to the parent, guardian, or person acting in loco parentis. Confidentiality is
2 mandatory. (45 CFR §164.502(g)(3)(ii)(A)(B))

3 3. We therefore believe that confidentiality must be an expressed provision in the law for it
4 to be supported by HIPAA. So, if a minor's information is disclosed by the covered
5 entity, the disclosure will not only violate State law, it will also be a violation of HIPAA.

6 4. The Harmonization Act, (HRS §323B-3) defers to HIPAA: if a covered entity or business
7 associate in Hawaii follow HIPAA subpart E, they will be deemed to be in compliance
8 with the stricter State laws relating to use, disclosure, or confidentiality.

9 This bill is a revision of the 2019 SB768 "Adolescent Mental Health Services" to address
10 concerns over non-disclosure, and is a product of the Act 13, SLH 2018 Task Force.

11 **Offered Amendments for HB2043:**

12 For reasons stated above and from the interpretation of the department of Health's HIPAA
13 Office, the department respectfully requests the effective date of this bill be as of January 30,
14 2021 because it is imperative to have a state law to mandate non-disclosures for minor-initiated
15 services, when appropriate, otherwise such confidentiality will not be maintained.

16 **Fiscal Implications:** None.

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

Helping Hawai'i Live Well

To: Senator Karl Rhoads, Chair, Senator Jarrett Keohokalole, Vice Chair, Members, Senate Committee on Judiciary

From: Bryan Talisayan, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 2043 HD2 SD1 RELATING TO ADOLESCENT MENTAL HEALTH CARE

Hearing: June 30, 2020, 9:46 am, CR 016

Thank you for hearing **House Bill 2043 HD2 SD1**, 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 the treating 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.

Mental Health America of Hawaii (MHAH) is a 501(c)3 organization founded in Hawai'i 78 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.

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 HB 2043 HD2 SD1**. Please contact me at bryan.talisayan@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box
833
Honolulu,
HI 96808

www.hawaiipsychology.org

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

Testimony IN STRONG SUPPORT of HB2043 HD2, SD1
RELATING TO ADOLESCENT MENTAL HEALTH CARE

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, June 30, 2020

TIME: 9:46 A.M.

PLACE: Conference Room 016 State Capitol 415 South Beretania Street

The Hawaii Psychological Association (HPA) strongly supports HB2043 HD2 SD1 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 HD2 SD1 is designed to address.

First, the current statute allows minors to consent to Mental Health services only when they are 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



Tuesday, June 30, 2020

House Bill 2043 HD2 SD1
Testifying in Support

Aloha Chair Rhodes, Vice Chair Keohokalole, and Members of the Committee of Judiciary,

The Democratic Part of Hawai'i (The Party) stands in **support of HB2043 HD2 SD1**. Relating to Adolescent Mental Health Care, which 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. 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.

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 Hawai'i, specifically on neighbor islands.

“New data from the University of Hawai'i reveals a health system in crisis. In 2017, Hawai'i was short more than 750 physicians across the medical field, according to University of Hawai'i 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 Hawai'i 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 Hawai'i 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/>



June 27, 2020

Senate's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Tuesday, June 30, 2019 – 9:46 a.m.

RE: STRONG SUPPORT for House Bill 2043

Aloha Chair Rhoads, Vice Chair Keohokalole and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 2043 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. HB 2043 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

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

June 29, 2020

LATE

To: Senator Karl Rhoads Chair
And members of the Committee on Judiciary

Testimony in Support of HB 2043 HD2 SD 1 Related to Adolescent Mental Health Care

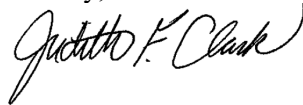
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 2043 HD2 SD 1 Relating to Adolescent Mental Health Care.

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



LATE

HB2043 Confidentiality for Minors with Mental Illness and Unlicensed Worker Under the Supervision of Licensed Worker.

COMMITTEE ON JUDICIARY:

- Sen. Karl Rhoads, Chair; Sen. Jarrett Keohokalole, Vice Chair
- Tuesday, June 30, 2020: 9:46 am
- Conference Room 016

Hawaii Substance Abuse Coalition Supports HB2043 HD2 SD1:

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.

- A) Similar to other behavioral health fields, having an unlicensed but qualified worker provide counseling under the supervision of a licensed worker makes sense given the shortage of workers and that it is proven to be both effective and efficient.
- B) Having the option to not inform parents until after treatment starts has proven to be a tremendous benefit for treatment with minors having substance abuse problems and would benefit minors with mental illness. When minors with substance abuse issues didn't have to inform their parents, huge numbers of kids sought much needed help.**
- 1) Minors would not have to wait but could get treatment right away.
 - 2) Services would be greatly expedited to address issues when the window of opportunity is available.
 - 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.
 - Most parents have to be coached on how best to be engaged. Most of parents involved prefer to be informed while counselors encourage them to be more engaged.
 - 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.



June 29, 2020

LATE

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

Re: HB 2043, SD1 – Relating to Adolescent Mental Health Care

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 2043, SD1, which 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. Requires 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. Requires a covered entity, upon notification that minor-initiated mental health treatment or counseling services should not be disclosed, to maintain the confidentiality of minor-initiated mental health treatment or counseling services. Takes effect on 7/1/2050.

HMSA supports the intent of this measure and appreciates amendments made in the previous committee. All covered entities, including health care providers and insurance plans, are bound by the federal 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.

Thank you for the opportunity to provide testimony in support of the SD1.

Sincerely,

Pono Chong
Vice President, Government Relations

LATE

HB-2043-SD-1

Submitted on: 6/29/2020 9:49:55 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

HB-2043-SD-1

Submitted on: 6/27/2020 8:10:18 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	Yes

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole and fellow committee members,

Pride at Work – Hawai'i supports the passage of HB 2043.

Pride at Work – Hawai'i encourages you to pass this necessary piece of legislation.

In Solidarity,

Pride at Work – Hawai'i

HB-2043-SD-1

Submitted on: 6/27/2020 5:52:18 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I strongly support the passage of HB2043. All children should have access to mental health care. Please pass HB2043. Thank you.

Mike Golojuch, Sr.

Secretary, Rainbow Family 808

HB-2043-SD-1

Submitted on: 6/29/2020 8:01:54 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
arielle	Individual	Oppose	No

Comments:

This proposed bill is extremely concerning to me for a couple of reasons. I think it is extremely detrimental to the family unit to have minors receiving counseling and/or medical treatment without the knowledge or consent of the parent. I think it damages the parental rights and completely undermines the family relationship. On top of that, allowing unlicensed persons to provide mental health services is another risky and careless move. I absolutely understand that students have to receive practicum hours somehow. I don't have issues with that, per se. However, to submit someone's child to mental health treatment - unknowingly - and then not even provide a licensed professional, can be damaging.

HB-2043-SD-1

Submitted on: 6/29/2020 8:18:53 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Villers	Individual	Oppose	No

Comments:

Committee Chair and Members,

I strongly oppose this measure and ask that you would vote against it. This bill claims that the bill is concerned with the safety of minors yet the context of the allowed counseling does not include situations where CPS or protective services need to be involved due to abuse of the minor, making the safety claim questionable at best.

This bill undermines parental rights to know about and be involved in the mental health care of their child. Parents **should be notified** if their child has received care even if they do not know the contents, so the law as it currently stands is how it should be.

Additionally, HB 2043 allows the least experienced to be involved in mental health treatment for some of the most vulnerable, when the persons providing these services ought to be persons with more experience, rather than little to none.

If the legislature has true concern for the safety and mental health of minors and feel that parents may be causing more strain and struggle, then the legislature should be more involved with counseling families and parents and providing more resources for parents so that it can reinforce and build up families, rather than encouraging greater divides.

Please vote against this measure.

Thank you.

Kerrie Villers

;

HB-2043-SD-1

Submitted on: 6/29/2020 8:20:22 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aletheia Hatori	Individual	Oppose	No

Comments:

Hello, I strongly oppose this bill because it undermines the family relationship and damages parental rights. As a parent I would do anything for my children. I would never want them to get mental/counseling treatment from someone I don't know and especially not without my knowlege. There is no one who loves a child more than their own parent/family so it is not right to let someone else guide a child without parental knowledge. This will aid in ruining the family structure, which is the backbone of a society. Please help to STRENGTHEN the family, not tear it apart!

Aloha,

Aletheia, a loving mom of 3

HB-2043-SD-1

Submitted on: 6/29/2020 9:05:37 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
suzanne mexia	Individual	Oppose	No

Comments:

To whom this may concern:

I am writing in very strong opposition of HB2043, HD, SD1. As a mother of a child that has Pervasive Developmental Disorder NOS, anxiety, depression and PTSD, this bill presents a dangerous precedent. Unlicensed individuals may have noble intentions but they do not have the licensing nor the proper credentialing to treat minors with mental illness and may cause more harm than good. Also, by hiding treatment from parents, families are prevented in being able to understand and participate in the treatment, as mental illness does not just effect the individual but the family as a whole. I understand this all too well as my daughter's illness has touched our lives in many ways and knowing what was going on gave us the knowledge and tools to address her challenges. Therefore, I would like to reiterate my strong opposition to this bill.

Sincerely,

Suzanne Mexia

HB-2043-SD-1

Submitted on: 6/29/2020 9:13:44 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alina Moka	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE this bill. Parents have a right to know what mental health treatment their children have received. And in such impressionable years, they should have only licensed professionals treating them.

HB-2043-SD-1

Submitted on: 6/29/2020 9:19:07 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
david mokan	Individual	Oppose	No

Comments:

I Strongly Oppose this bill, Parents have the right to know what mental health they're children receive.

HB-2043-SD-1

Submitted on: 6/29/2020 9:08:19 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Musico	Individual	Oppose	No

Comments:

This bill takes away from the meaning of ohana by tearing down the relationship between children and their parents. Mental health is a process that should involve the entire family because that is what promotes the most amount of healing.

HB-2043-SD-1

Submitted on: 6/29/2020 9:21:54 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryn Villers	Individual	Oppose	No

Comments:

Chair and Committee Members,

I stand in opposition to HB2043 HD2 SD1 because it may irrevocably harm the most vulnerable among us, our keiki.

Should this bill pass it will allow, legally, for inexperienced and minimally educated individuals to be responsible for guiding teenagers through some of the most difficult and traumatic periods of their lives. And on top of that, it is specifically designed to conceal the fact that the children are receiving mental care from their parents. This will not aid in breaking down barriers in the family, but rather, will serve to strengthen them.

A number of other issues that confront the passage of this measure are that what it means to "supervise" is STILL undefined, the bill allows for APRNs to be the "supervisors", and this bill forces insurance companies to either cover the cost of youth treatment, to have tax payers cover the cost, or puts insurance companies in a place where they must raise their rates to cover the "hidden" costs of treatment because they cannot bill the insurance holder.

More secrets, more lies, and more deception is not how we help our struggling youth.

Aloha 'oe

HB-2043-SD-1

Submitted on: 6/29/2020 9:33:13 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Travis Agustin	Individual	Oppose	No

Comments:

HB-2043-SD-1

Submitted on: 6/29/2020 9:44:17 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmine Inman	Individual	Oppose	No

Comments:

I am in opposition of HB2043 HD2 SD1. I believe that parents of minor children should have the right to be notified if/when their children are receiving mental health services, especially when provided by an unlicensed person. How can parents help if they don't even know that anything's wrong? Don't take away their right to intervene and take the necessary action to support their child. Strengthen the family unit, don't weaken it by giving that ability away to an unlicensed stranger who does not know the child or his/her unique needs. Mahalo for your time and consideration. Jasmine Inman

Testimony of
Jonathan Ching
Government Relations Manager

LATE

Before:
Senate Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

June 30, 2020
9:46 a.m.
Conference Room 016

Re: HB2043, HD2, SD1 RELATING TO ADOLESCENT MENTAL HEALTH CARE.

Chair Rhoads, Vice Chair Keohokalole, and committee members, thank you for this opportunity to provide testimony on HB2043, HD2, SD1, which does the following: (1) 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; (2) Requires 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; and (3) Requires a covered entity, upon notification that minor-initiated mental health treatment or counseling services should not be disclosed, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Kaiser Permanente Hawai'i submits the following COMMENTS on HB2043, HD2, SD1.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 257,000 members. Each day, more than 4,500 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 21 medical facilities, including Moanalua Medical Center, 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.

All covered entities, including health care providers and insurance plans, are bound by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) which provides for the privacy of patients. Kaiser Permanente has an existing process in place for protecting the privacy of patients, including minors seeking certain services that are permissible under HRS §577-29h.

To ensure the intent of HB2043, HD2, SD1 is realized, we request the following amendment to ensure that the provider properly informs the minor's health plan that minor-initiated mental health treatment or counseling services should not be disclosed:

Page 5, Lines 3-6:

(b) [. . .] The mental health professional shall ~~[ensure]~~ **confirm** that the ~~[covered entity]~~ **health plan** has been notified that minor-initiated mental health treatment or counseling services should not be disclosed.

We believe that specifying that the mental health professional needs to confirm with the minor's health plan will ensure that the health plan is to be notified versus "any" covered entity. Under the existing language, a mental health professional in a clinic may provide such services to a minor and notify its facility, which is a covered entity, that the services are supposed to be confidential.

We believe the intent of Section 2 of HB2043, HD2, SD1 is for the professional to assist the minor with notification to the minor's health plan that the minor's mental health treatment or counseling services should not be disclosed. We do not believe the health plan should be responsible for the notification but with the assistance of the minor to complete the notification. This is necessary because it is the health plan that sends out the bill and in this case in order to protect confidentiality, the health plan should not be sending a bill with a description of the services to the parents.

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