

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB2043
RELATING TO ADOLESCENT MENTAL HEALTH CARE**

REPRESENTATIVE JOHN M. MIZUNO
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 28, 2020

Room Number: 329

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

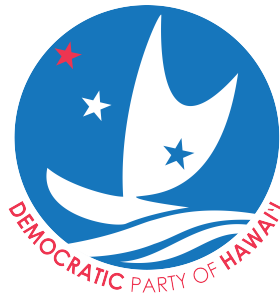
3 **Department Testimony:** The subject matter of this measure falls within the scope of the
4 Department's Behavioral Health Administration (BHA) whose statutory mandate is to assure a
5 comprehensive statewide behavioral health care system by leveraging and coordinating public,
6 private and community 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 without
11 parental consent to include therapists-in-training who are supervised by a licensed 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. Neither youth nor their
14 parents or legal guardians will be charged out-of-pocket expenses while mental health providers
15 are entitled to compensation through the youth's insurance.

16 This bill is a revision of the 2019 SB768 "Adolescent Mental Health Services" to address
17 concerns over non-disclosure, and is a product of the Act 13, SLH 2018 Task Force. The task
18 force's legislative report may be found on:

19 https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf

- 1 **Fiscal Implications:** None.
- 2 Thank you for the opportunity to testify.



Tuesday, January 28, 2020

House Bill 2043
Testifying in Support

Aloha Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee on Health,

The Democratic Part of Hawai'i (The Party) **stands in support of HB2043**. Increasing access for minors to receive behavioral healthcare services by seeing professionals who are in the final stages of receiving their licensure and currently receiving clinical supervision, is a necessary step.

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. This creates undo hardship for those actively seeking help.

“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 Kaua'i 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/>



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COMMITTEE ON HEALTH
Tuesday, January 28, 2020
9:15 a. m.
Conference Room 329
State Capitol
415 S. Beretania Street
Honolulu, Hawaii

H. B. 2043
Relating to Health

TESTIMONY

Joy A Marshall, Legislative Committee, League of Women Voters of Hawaii

Chair Mizuno, Vice-Chair: Kobayashi and Committee Members.

The League of Women Voters of Hawaii supports HB 2043 that allows unlicensed mental health professionals working under the supervision of a licensed mental health professional to provide mental health treatment and or counseling services to minors without parental or guardian consent, knowledge or participation

The crisis of suicide within this age group, and also the frequency of depression demand that these young men and women have access to appropriate mental health care and not feel that they have to share with anyone except those they choose could save lives and enhance quality of life for adolescent.

Please consider passing this bill to assist them and save lives.

Thank you for the opportunity to submit testimony.



Hawai'i Psychological Association

For a Healthy Hawai'i

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

COMMITTEE ON HEALTH

Rep. John M. Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

DATE: Tuesday, January 28, 2020

TIME: 9:15 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

The Hawaii Psychological Association (HPA) strongly supports HB2043 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 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

HB-2043

Submitted on: 1/27/2020 8:09:57 AM

Testimony for HLT on 1/28/2020 9:15:00 AM

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

Comments:

Helping Hawai'i Live Well

To: Representative John Mizuno, Chair, Representative Bertrand Kobayashi, Vice Chair, Members, House Committee on Health

From: Trisha Kajimura, Executive Director

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

Hearing: January 28, 2020, 9:15 am, CR 329

Thank you for hearing **House Bill 2043**, 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**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

HB-2043

Submitted on: 1/27/2020 3:50:39 PM

Testimony for HLT on 1/28/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Stern	Individual	Support	No

Comments:

When a student is ready, and he/she is 14 or older, and wants these services from a supervised mental health support or professional, he/she should have access per the laws already established for minors to receive services for mental health supports.



Hawaii Association of Health Plans

January 26, 2020

The Honorable John Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
House Committee on Health

House Bill 2043 – Relating to Adolescent Mental Health Services

Dear Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify on HB 2043.

We appreciate the intent of this measure, but would like to express concerns. We believe that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) adequately provides for the privacy of any patient. Moreover, by creating an additional privacy requirement, we believe this measure 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 allowing us to testify in opposition to HB 2043.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members