

**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 2522 H.D. 1  
RELATING TO HEALTH**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR RUSSELL E. RUDERMAN, CHAIR  
SENATE COMMITTEE ON HUMAN SERVICES

Hearing Date and Time: Tuesday, March 17, 2020 at 10:15 a.m. Room: 229

1 **Department Position:** The Department of Health (“Department”) strongly supports this  
2 measure and offers the following testimony.

3 **Department Testimony:** The subject matter of this measure intersects with 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 Adult Mental Health Division (“AMHD”) provides the following  
9 testimony on behalf of the Department.

10 The Department strongly supports the repurposing of unused state facilities to house  
11 non-forensic individuals in short-term residential beds. These short- term residential beds are  
12 designed to 1) stabilize the individual’s mental health and substance use conditions and 2)  
13 assess then triage the individual to a clinically appropriate level of care through the Hawaii  
14 Coordinated Access Resource Entry System (“CARES”).

1           The Department, in collaboration with state agency partners through the task force and  
2 working group of Act 90 and Act 263 Session Laws of Hawaii 2019, recognizes that the lack of  
3 short-term stabilization services throughout the state creates unnecessary burdens on  
4 emergency departments, law enforcement, and individuals living with behavioral health issues.  
5 Long-term mental health recovery and community reintegration can be achieved through  
6 appropriate clinical intervention and consistent flow through a care continuum based on clinical  
7 need and level of care.

8           Short-term residential stabilization beds provide a sub-acute level of care for individuals  
9 whose behavioral health issues do not meet medically necessary criteria for acute  
10 hospitalization but whose presentation and current medical status are not conducive or  
11 appropriate for community-based services such as low intensity residential, or outpatient  
12 services.

13           The Department views the Mental Health and Substance Abuse Special Fund as a viable  
14 and sustainable resource to support capital improvement projects, including sub-acute  
15 stabilization services, and to sustain existing program operations. These efforts will enhance  
16 the state's current care continuum by helping to reduce unnecessary emergency department  
17 admissions, promoting jail diversion opportunities, and better assisting individuals with  
18 behavioral health issues to be appropriately triaged through a statewide coordinated care  
19 continuum.

20           Thank you for the opportunity to testify on this measure.

21           **Offered Amendments:** None.

22           **Fiscal Implications:** The use of the Mental Health and Substance Abuse Special Fund for  
23 carrying out the intent of this measure allows for flexibility and planning needed to effectuate  
24 the program while avoiding a new general fund appropriation request for the BHA.

1           The Department notes that H.B. 2200 H.D. 1 in its current form reduces the mental  
2 health and substance abuse special fund expenditure ceiling for FY 2020 and 2021 of a total of  
3 \$27,370,157 and does not include the requested \$10,000,000 increase in expenditure ceiling  
4 for the special fund needed to initiate these efforts. The overall decrease of \$37,370,157 that  
5 would be available from the base budget and the special fund may impede the efforts of the  
6 Department to fully carry out the intent of this and other similar measures.

7           There are other measures being heard by the legislature that allow the Department to  
8 use the Mental Health and Substance Abuse Special Fund for the purposes described in this  
9 measure including H.B. 2022 H.D. 2, and S.B. 2505 S.D. 2, and S.B. 2506 S.D. 2. The Department  
10 humbly requests that this measure be considered as a vehicle to provide this needed funding so  
11 long as it does not supplant the priorities and requests outlined in the Governor's executive  
12 budget request.

13           The Department respectfully requests that beyond legislative approval of use of the  
14 special fund for these purposes that any additional appropriations made available through this  
15 measure do not supplant budget priorities identified in the Governor's executive budget.

**HB-2522-HD-1**

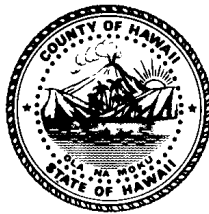
Submitted on: 3/15/2020 8:29:47 PM

Testimony for CPH on 3/17/2020 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katrina Obleada	Testifying for Hawaii Psychological Association	Support	No

Comments:

REBECCA VILLEGAS  
Council Member  
District 7, Central Kona



PHONE: (808) 323-4267  
FAX: (808) 323-4786  
EMAIL: [Rebecca.villegas@hawaiicounty.gov](mailto:Rebecca.villegas@hawaiicounty.gov)

## HAWAI'I COUNTY COUNCIL

*West Hawai'i Civic Center, Bldg. A  
74-5044 Ane Keohokalole Hwy.  
Kailua-Kona, Hawai'i 96740*

March 12, 2020

TESTIMONY OF REBECCA VILLEGAS  
COUNCIL MEMBER, HAWAI'I COUNTY COUNCIL  
ON HB 2522 HD 1, RELATING TO HEALTH  
Committee on Commerce, Consumer Protection, and Health  
Committee on Human Services  
Tuesday, March 17, 2020  
10:15 a.m.  
Conference Room 229


Aloha Chair Baker, Chair Ruderman, and Members of the Committees:

I thank you for the opportunity to testify in support of HB 2522 HD 1 relating to health. My testimony is submitted in my individual capacity as a member of the Hawai'i County Council and Chair of the Hawai'i County Council Public Safety Committee.

The purpose of this measure is to require the Department of Health to establish short-term residential beds for the purpose of stabilization from mental health conditions or substance use and to assess patients and triage them to a clinically appropriate level of care through CARES. CARES is the Hawai'i coordinated access resource entry system that provides access for substance use treatment and behavioral health services. CARES has identified the lack of stabilization beds is a significant gap in services. The intersection of homelessness and behavioral health conditions is a crisis in Hawai'i, and contributes to Hawai'i having the second highest rate of homelessness in the United States. Current options for those needing stabilization from substance use, mental health conditions or homelessness is stretched. Emergency facilities throughout the entire state have experienced increases in psychiatric emergency admissions which has resulted in overcrowding and unsafe environments for patients and medical staff. Repurposing unused state buildings will greatly assist with covering addressing this gap in services.

For the reasons stated above I urge the Committee on Commerce, Consumer Protection and Health, and the Committee on Human Services to support this measure as well. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

  
Rebecca Villegas  
Council Member, Hawai'i County Council

Barbara Gerbert, PhD  
Joshua Gerbert, DPM

59-120 Laninui Drive  
PO Box 44505  
Kamuela, HI 96743

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March 4, 2020

Dear Senator Ros Baker, Chair and Senator Stanley Chang, Vice Chair  
Committee on Consumer Protection and Health

**Position on HB2425 HD1: Support and request to give a hearing to  
HB2425**

My name is Joshua Gerbert, DPM, a board certified foot and ankle surgeon who practiced in San Francisco for 45 years before retiring to the Big Island 7.5 years ago. In my practice I had the occasion of seeing women who were coercively abused and discovered that there were no laws that protected them.

I am writing to express my support of Bill HB 2425 HD1 in that it is long overdue. The trauma these women experience is as severe as physical abuse.

Thank you for the opportunity to testify on this Bill.

Sincerely,

Joshua Gerbert, DPM, FACFAS  
59-210 Laninui Drive  
Kamuela, HI 96743

**Position on HB 2425: Support**

DATE: March 4, 2020

**TO:** Senator Ros Baker, Chair and Senator Stanley Chang, Vice Chair

**FROM:** Barbara Gerbert, PhD

Professor Emeritus, University of California San Francisco

**RE: HB2425 HD1**

Support of bill and request a hearing on 2425 HD1

Aloha. My name is Barbara Gerbert, PhD, and I am Professor Emeritus at the University of California, San Francisco (UCSF), as well as a constituent from Hawai'i Island, where I've lived since 2012.

**I am writing in support of HB2425**

My 40-year career at UCSF began with entrance into a doctoral program in 1975. I earned my doctorate in Health Psychology there in 1982, and I served as tenured faculty and Chair of the Behavioral Sciences Division until my retirement.

My passion and expertise is in domestic violence. My academic work as a professor at UCSF highlighted research studies of the important role that health care professionals (specifically physicians and dentists) play, in addressing domestic violence (DV). I also developed tutorials to improve health care professionals' response to DV, including the "AVDR" (Ask, Validate, Document, and Refer) method I developed, which was funded by the National Institutes of Health.

I have published over 120 peer-reviewed manuscripts, many on domestic violence and simple ways that health care professionals (HCP) can ask patients about domestic violence in their lives and validate their experiences, offering hope and always leaving the door open for further discussion. My research has shown that minor changes in HCP behaviors can lead to big changes in the environment for victims of abuse.

In 2015, I was driving toward Waimea from the Kona coast, listening to

National Public Radio. I heard a piece about a new law that had been enacted in England and Wales, targeting people who coercively control their intimate partner or other family members. Shortly thereafter, Scotland added this law to their legislation as well.

I immediately pulled over to the side of the road, with tears in my eyes, a rapid heartbeat, and chicken skin. I had just given a presentation on domestic violence at Tutu's House in Waimea, emphasizing the long-lasting harm of coercive control. My audience, to a person, had experienced coercive control themselves or to friends, family members, and co-workers. A law against coercive control, with all it entails, would be a godsend in Hawai'i!

I am very familiar with Scotland's groundbreaking work to alleviate DV. In 2009 Linda Borland, a police officer from Scotland's Violence Reduction Unit (VRU), contacted me, asking if she could use my AVDR (Ask, Validate, Document, and Refer) model. Not long after, Dr. Christine Goodall, an oral surgeon, updated me on Scotland's efforts to reduce violence, with AVDR as the centerpiece.\*

Dr. Goodall, as the founder and head of Medics against Violence Scotland (MAVScotland) focuses on the role of health care professionals parallel to my focus. She also encourages health care professionals to work with all professions in preventing and reducing DV.

In England, Scotland, and Wales, it is illegal to coercively control an intimate partner. As a result, Scotland, once known internationally for high rates of violence, including gang violence, family violence, etc., is now a role model internationally for reducing violence. Glasgow went from being called the "murder capital of Europe" to an exemplar of non-violence.

The enactment of HB2425 would educate our Hawai'i citizens to the great burden that coercive control places on our people and our state, and abusers would learn that this abuse is not acceptable.



In my 7 years living fulltime in Hawai'i, I have observed the power of the family, the closeness and bonds of family, that create a warm, loving, kind, and gentle atmosphere. Once HB2425 is in place, programs can be implemented to heal, nurture, and enhance this natural warmth of that family culture here in Hawai'i—and help reduce coercive control and violence that destroy it.

**Please SUPPORT HB2425.**

Mahalo,

Barbara Gerbert, PhD

Professor Emeritus

University of California San Francisco

barbara.gerbert@ucsf.edu

415-385-9831

\*This very powerful 5-minute training video developed by MAVScotland and the Violence Reduction Unit of the Scottish Police emphasizes AVDR, which I developed and distribute internationally (copyright UCSF).

“Harder” <https://m.youtube.com/watch?v=ay4dQy6vzPI>

**HB-2425-HD-1**

Submitted on: 3/14/2020 8:40:50 AM

Testimony for CPH on 3/17/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Ota	Individual	Support	No

Comments:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baer, Chair and Senator Stanley Chang, Vice-Chair

March 17th, 2020

Tuesday, 11:00 a.m.

**Testimony in Support of HB2425 HD1**

To the Honorable Chair, Rosalyn Baker and the Honorable Vice Chair Stanley Chang and Members of the Senate CPH Committee:

I am Dr. Barbara Ota, DACM, DAc, a resident of the Big Island, current President of the Hawaii Acupuncture Association, and a long time advocate in my professional and private life here in Hawaii, to protect the public from the insidiousness and reality of domestic abuse in all its forms in our State of Hawaii. Please, support HB2425 HD1 and help in the protection for all members of our families. Coercive control and all its definitions clarify abuse and will provide means for our citizens' to live in a viable, safe environment in the State of Hawaii. Thank you for allowing me to testify in SUPPORT of HB2425 HD1.

Barbara Ota, DACM, DAc

**HB-2425-HD-1**

Submitted on: 3/15/2020 8:25:43 AM

Testimony for CPH on 3/17/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jane Mayo	Individual	Support	No

Comments:

Jane Y. Mayo, Constituent

59-120 Hahalua Place

Kamuela, HI 96743-7813

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March 15, 2020,

Dear Honorable Chair Senator Baker and Vice Chair Senator Chang

**Position on HB2425: Support**

I am writing to express my support of bill HB2425

I believe every household in HAWAII deserves to be free of coercive control. As the author of this testimony I plan to do my part to make it so. The enactment of this bill will help to reduce coercive control within the household by allowing it to be identified as domestic violence and dealt with in the same measures.

Thank you for the opportunity to testify on this Bill.

Sincerely

Jane Mayo, Constituent

**Position on HB2425: Support**

Debra Diehl  
Constituent

67-1280 Kamaloo St.  
Kamuela, HI 96743

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March 15, 2020

Dear Honorable Chair Senator Baker and Vice Chair Senator Chang

**Position on HB2425: Support**

I am writing to express my support of bill HB2425.

I believe every household in HAWAII deserves to be free of coercive control. The enactment of this bill will help to reduce coercive control within the household by allowing it to be identified as domestic violence and dealt with in the same measures.

Thank you for the opportunity to testify on this Bill.

Sincerely,

Debra Diehl  
Constituent

**Position on HB2425: Support**

**HB-2425-HD-1**

Submitted on: 3/14/2020 10:38:45 AM

Testimony for CPH on 3/17/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MARSHA H BOLSON	Individual	Support	No

Comments:

**HB-2425-HD-1**

Submitted on: 3/15/2020 4:26:49 PM

Testimony for CPH on 3/17/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Powell Berger	Individual	Support	No

Comments:

Chair Baker, Vice Chair Chang, and committee members,

As a survivor of domestic violence, I strongly support this bill. The tactics used by abusers are quickly recognized by those who've endured it, and it is important that the community at large understand that what they see in public may not be at all what families endure at home.

When we put names to something, we establish protocol. We set expectations of decency and behavior. By passing this bill, you take power away from the abuser and return it to the victims, as well as the children who are so painfully scarred behind closed doors.

Mahalo for this brave work, and for helping make our communities safer.

John R. Diehl  
Constituent

67-1280 Kamaloo St.  
Kamuela, HI 96743

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March 15, 2020

Dear Honorable Chair Senator Baker and Vice Chair Senator Chang

**Position on HB2425: Support**

I am writing to express my support of bill HB2425.

I believe every household in HAWAII deserves to be free of coercive control. The enactment of this bill will help to reduce coercive control within the household by allowing it to be identified as domestic violence and dealt with in the same measures.

Thank you for the opportunity to testify on this Bill.

Sincerely,

John Diehl  
Constituent

**Position on HB2425: Support**

Shelby Loo  
6th Grade Mathematics Teacher, NBCT

66-1803 Alaneo Street  
Kamuela, HI 96743

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March 15, 2020

Dear Honorable Chair Senator Baker and Vice Chair Senator Chang

**Position on HB2425: Support**

I am writing to express my support of bill HB2425.

I am a school teacher and contend with bullying in the classroom. It is often determined that these bullies are being raised in households where coercive control is occurring. I believe that through the enactment of HB2425, coercive control at home can be reduced and provide a better example to children of how to treat others, thus reducing bullying at school. This would increase peace and learning at school for all involved.

Thank you for the opportunity to testify on this Bill.

Sincerely,

Shelby Loo  
6th Grade Mathematics Teacher, NBCT  
Waimea Middle Public Conversion Charter School

**Position on HB2425: Support**



## Testimony of the Real Estate Commission

Before the  
Senate Committee on Commerce, Consumer Protection, and Health  
Tuesday, March 17, 2020  
11:00 a.m.  
State Capitol, Conference Room 229

On the following measure:  
**H.B. 2195, H.D. 1, RELATING TO CONDOMINIUMS**

Chair Baker and Members of the Committee:

My name is Michael Pang, and I am the Chairperson of the Hawaii Real Estate Commission (Commission). The Commission appreciates the intent of this bill but offers amendments due to its serious concerns with H.D. 1 as written.

The purpose of this bill is to provide that for any condominium development consisting of not more than two units and occupied by the developer, its successor, or assign as the principal place of residence shall be considered sold for purposes of satisfying a developer's annual report requirement.

The Commission notes that the preamble of this bill equates a subdivision of real property with the creation and ownership of a condominium. Creating a condominium does not subdivide the real property; it is merely a form of ownership. Accordingly, the Commission suggests amending all "subdivision" references to "condominiums."

Additionally, the industry has long held the definition of "sale" as a bona fide arm's length transaction for fair market value to a purchaser. However, this measure instead provides for another definition which will confuse current owners, future buyers, and all other condominium development projects in the State. It is foreseeable that this uncertainty will create future difficulties for condominium project developers. Accordingly, to avoid confusion by owner/developers and prospective purchasers of units in a two-unit condominium project, the Commission recommends amending subsection (b) to read:

"(b) The developer, its successor, or assign shall be relieved from filing annual reports pursuant to this section when the initial sales of all units have been completed [.]; including any development:

(1) That consists of not more than two units;

(2) In which one of the units is the principal place of residence of the developer, its successor, or assign; and

(3) For which the initial sale of the other unit has been completed.”

Thank you for the opportunity to testify on this bill and provide a suggested amendment.

HAWAII LEGISLATIVE  
ACTION COMMITTEE

  
**community**  
ASSOCIATIONS INSTITUTE

P.O. Box 976  
Honolulu, Hawaii 96808

March 12, 2020

Honorable Rosalyn Baker, Chair  
Honorable Stanley Chang, Vice Chair  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: HB 2195 HD1 SUPPORT

Dear Chair Baker, Vice Chair Chang and Committee Members:

The Community Associations Institute ("CAI") supports HB 2195 HD1. This bill would relieve the developer of a two-unit condominium who permanently resides in one of the units from the obligation to file an annual report after the other unit is sold.

There is no obvious harm in providing such relief. There is no obvious purpose to requiring the filing of annual reports in that circumstance.

Very truly yours,

*Philip Nerney*

Philip Nerney

**HB-2195-HD-1**

Submitted on: 3/12/2020 3:36:39 PM

Testimony for CPH on 3/17/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Emery	Testifying for Associa	Support	No

Comments:

This Bill addresses a need for a 2-unit condominium.

**HB-2195-HD-1**

Submitted on: 3/13/2020 1:02:02 PM

Testimony for CPH on 3/17/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R Laree McGuire	Individual	Support	No

Comments: