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**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Ways and Means
Monday, February 25, 2019
10:30 a.m.
State Capitol, Conference Room 211**

**On the following measure:
S.B. 1036, RELATING TO CLINICAL VICTIM SUPPORT SERVICES**

WRITTEN TESTIMONY ONLY

Chair Dela Cruz, and Members of the Committee:

My name is Colin Hayashida, and I am the Insurance Commissioner of the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department appreciates the intent of this bill and offers comments.

The purpose of this bill is to clarify that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

Sexual assault victims should receive appropriate treatment to help in the healing process; however, this may be viewed as a new mandate. The addition of new mandated coverage may trigger section 1311(d)(3) of the federal Patient Protection and Affordable Care Act (PPACA), which requires states to defray the additional cost of any

benefits in excess of the essential health benefits of the State's qualified health plan under the PPACA.

Additionally, any proposed mandate providing coverage for care requires the passage of a concurrent resolution requesting the State Auditor to prepare and submit a report assessing the social and financial impacts of the proposed mandate, pursuant to Hawaii Revised Statutes (HRS) section 23-51. However, this bill exempts itself from the requirements of HRS section 23-51 and the State Auditor report.

Thank you for the opportunity to testify on this bill.

SB-1036

Submitted on: 2/22/2019 1:08:34 PM

Testimony for WAM on 2/25/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of SB 1036.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii



of Hawaii

February 23, 2019

From: Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State Senate Committee on Ways and Means

Hearing Date/Time: February 25, 2019 10:30AM

Place: Hawaii State Capitol, Rm. 211

Re: Testimony in SUPPORT of SB1036

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the WAM Committee,

Thank you for the opportunity to submit a testimony in strong support of SB1036. As many of us now know the trauma caused by sexual violence can have negative consequences for a victim's mental health. Rape survivors are three times more likely to be diagnosed with major depression than individuals who have not been raped, four times more likely to attempt suicide, and rape has the highest victim cost at \$127 billion per year in the U.S.¹ Nearly 1 in 7 women in Hawaii, 1 in 5 women and 1 in 71 men in the U.S. have been raped.²

SB1036 would require health insurance providers to cover clinical victim support services for sexual violence survivors to be performed by qualified mental health care providers with whom the survivors have established relationship. These services would prevent additional trauma and prevent costlier interventions, short term and long term. AAUW Hawaii supports SB1036 because this type of victim support services isn't only rational and economical but humane.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Please pass SB1036 to provide the support victims need. Mahalo for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Y. Overly", is positioned below the "Sincerely," text.

¹ Sexual Assault Treatment Center - <http://satchawaii.com/get-info-about-statistics.aspx>

² Ibid.

SB-1036

Submitted on: 2/23/2019 11:28:30 PM

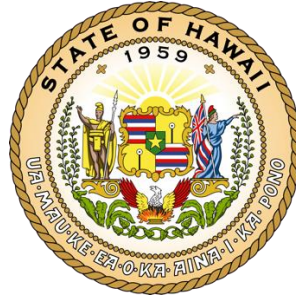
Testimony for WAM on 2/25/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments:

Please support SB1036 to clarify that clinical victim support services for victims of sexual abuse and assault are covered mental health benefits by health insurers.

LATE



Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on WAM

In Support of SB1036
Monday, February 25, 2019, at 10:30 a.m. in Room 211

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Honorable Members,

The Hawai'i State Commission on the Status of Women **supports** SB1036, which would clarify that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations. SB1036 would improve access to mental health services for those victimized by sexual violence and abuse.

Sexual assault persists on a systemic scale in Hawai'i, and impacts all ages. The Commission notes that the Sex Abuse Treatment Center has assisted children as young as two months old and adults in their late 90s. Trauma from sexual violence can leave lasting and significant impacts on the mental health of survivors. Survivors with mental health conditions can require complex case management, wherein licensed mental health providers assist with linking patients with other service providers and other systems which may be difficult to navigate.

Case management by mental health providers is a best practice that is medically necessary for some survivors to recover and heal. Further, trust with the mental health provider is a key determinant of the effectiveness of treatment, especially for children. Some insurers do cover limited case management and mental health services for patients but do not currently cover comprehensive case management.

It is the Commission's understanding that mental health outpatient services are already covered—these are not “new” services—but limited coverage prevents victims from accessing medically necessary mental health services. Thus, providing more robust coverage for case management services would not be considered a “new mandate” warranting a social and

financial audit investigation. The Commission supports SB1036 and urges the Committee to pass it.

Sincerely,
Khara Jabola-Carolus

LATE



O`ahu County Committee on Legislative Priorities (OCCL)

COMMITTEE WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Monday, February 25, 2019

TIME: 10:30 a.m.

PLACE: Conference Room 221
State Capitol

RE: SB 1036 Relating to Clinical Victim Support Services

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice Chair; and Members of the Committee on Ways and Means:

I am Melodie Aduja, Chair of the O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i. Mahalo for this opportunity to submit testimony on SB 1036. The O`ahu County Committee on Legislative Priorities ("OCCLP") hereby submits its testimony in **SUPPORT of SB 1036, Relating to Clinical Victim Support Services.**

The purpose of SB 1036 is to improve mental health service availability for victims of sexual violence and abuse by clarifying that clinical victim support services for victims of services benefit required to be covered under health insurance sexual violence and abuse are a mental health outpatient policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

ENDING VIOLENCE AGAINST WOMEN

DPH is committed to ending the scourge of violence against women wherever it occurs – whether in our homes, streets, schools, military, workplace, or elsewhere. We will support comprehensive services for survivors and increase prevention efforts in our communities and on our school campuses. DPH will fight to bring an end to sexual assault – wherever it occurs, including on campuses – because everyone deserves a safe environment where they can learn and thrive, not live in fear. We will provide comprehensive support to survivors and ensure a fair process for all on-campus disciplinary proceedings and in the criminal justice system. We will increase sexual violence prevention education programs that cover issues like consent and

bystander intervention, not only in college, but also in secondary school. *Democratic Party of Hawai'i Platform (2018), p. 15, ln. 20-28.*

For the foregoing reasons, i.e., to support comprehensive services for survivors and to increase prevention efforts in our communities and on our school campuses, OCCLP supports SB 1036 and urges its passage out of the Committee on Ways and Means.

Mahalo nui loa

Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities
of the Democratic Party of Hawai'i

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Date: February 25, 2019

To: The Honorable Donovan M. Dela Cruz , Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.B. 1036
Relating to Clinical Victim Support Services

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 1036.

According to The Centers for Disease Control and Prevention, sexual violence is extremely prevalent in the United States. It is estimated that 22 million women and 1.6 million men are victims of rape, while 53 million women and 25 million men have experienced other forms of sexual violence in their lifetimes. Trauma caused by this sexual violence can have significant, lasting impacts on a victim's mental health that interfere with their functional ability to engage and interact with the world.

In addition to psychotherapy, victims with mental health conditions caused by sexual violence can require clinical victim support services, a mental health outpatient service delivered by a licensed mental health provider with whom the victim has established a therapeutic relationship. Clinical victim support services can include, in addition to coordinating with the victim's other health care providers, working with schools, employers, and others on such issues as safety planning and reasonable accommodations for the victim's mental health conditions, and assisting a victim to obtain entitlements and to access programs and services.

These services are particularly responsive to some victims' need for assistance coping with daily stressors, which they are unable to manage on their own due to their sexual violence-related conditions. The trust and understanding developed between a victim and their therapist is critically important to the effectiveness of these services: the therapist, having received the victim's disclosure of sexual violence and possessing in-depth knowledge of how that trauma impacted the victim, is in the best position to identify the victim's specific needs and provide direct support to them.

As such, clinical victim support services are a best practice and are medically necessary for some victims to recover and heal, while avoiding additional harm and decompensation. These services are also consistent with a health care approach that invests in preventing the need for more costly interventions, such as hospitalization.

Unfortunately, health insurers have historically chosen not to provide coverage for appropriate clinical victim support services, despite their obligation to cover mental health outpatient services, which causes some licensed mental health providers to decline to accept cases that could be complex and require substantial unreimbursed time and effort. SATC notes that this contributes to a significant capacity issue that prevents victims from accessing services in the community and reduces their options for treatment, which would be resolved by passage of S.B. 1036.

We were pleased to recently learn that some health insurance providers intend to cover clinical victim support services in the future and have taken some initial, internal steps in that direction. This is a tacit acknowledgment that these services should be covered as part of the statutorily-required mental health outpatient benefit. However, meaningful implementation—properly noticing patients and health care providers that the services will be covered and allowing the services to be billed and reimbursed—has not taken place.

It is therefore very important that S.B. 1036 pass in order to clarify the mental health benefit in law and assure that coverage for clinical victim support services will in fact go into effect.

Thank you for this opportunity to testify in strong support of S.B. 1036.

LATE

SB-1036

Submitted on: 2/24/2019 8:47:26 PM
Testimony for WAM on 2/25/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:

Aloha State Association of the Deaf is aware of many deaf adults who suffers mental health issues are victims of sexual violence. It is very important that insurance pays for the service they need including auxialry aids such as CART or American Sign Language interpreters.

We support the passage of this bill.

Mahalo,

Darlene Ewan

President



February 24, 2019

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Re: SB 1036 – Relating to Clinical Victim Support Services

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 1036 which clarifies that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations. HMSA appreciates the intent of this measure and respectfully offers the following comments.

HMSA's existing case management services meet the intent of this measure. HMSA provides case management through its healthcare partner and effective January 1st of this year, we also allow appropriate mental health providers to bill case management services associated with victims of sexual violence.

As we believe that this service is already being provided to our members, we ask that this bill be deferred. Thank you for allowing us to provide these comments on SB 1036.

Sincerely,

Pono Chong
Vice President, Government Relations



LATE

Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair

Testimony in Support of SB1036

February 25, 2019, 10:30 am, Room 211

The Hawai'i Psychological Association (HPA) supports SB1036, which is intended to improve mental health service availability for victims of sexual violence and abuse.

The Federal Centers for Disease Control and Prevention estimate that 43.9% of women and 23.4% of men have experienced forms of sexual violence other than rape within their lifetimes. Victims of sexual violence and abuse experience lasting emotional and psychological effects. In fact, 35 to 65% percent of people experiencing sexual assault during adulthood are diagnosed with post-traumatic stress disorder. Depressive disorders, substance abuse disorders, and suicidal behaviors occur in this population at rates far exceeding the general population.

SB1036 clarifies that clinical victim support services for victims of sexual violence and abuse are a mental health outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

We respectfully urge you to support SB1036.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee

LATE

SB-1036

Submitted on: 2/24/2019 10:50:50 PM

Testimony for WAM on 2/25/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Testifying for Hawaii Women's Coalition	Support	Yes

Comments:



Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members,

We are in strong support of this measure to help rape victims get the care they need to recover.

Mahalo,

Ann S. Freed

Co-Chair, Hawaii Women's Coalition