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

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Health
Tuesday, January 29, 2019
8:30 a.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 484, RELATING TO CLINICAL VICTIM SUPPORT SERVICES**

Chair Mizuno and Members of the Committee:

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

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.

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

Testimony of DCCA

H.B. 484

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report assessing the social and financial impacts of the proposed mandate, pursuant to Hawaii Revised Statutes section 23-51.

Thank you for the opportunity to testify on this bill.



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

Prepared for the House Committee on Health

In Support of H.B. 484
Tuesday, January 29, 2018 at 8:30 a.m.

Dear Chair Mizuno, Vice Chair Kobayashi, and Honorable Members:

On behalf of the Hawai'i State Commission on the Status of Women, thank you for this opportunity to testify in support HB484, which 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 HB484 and urges the Committee to pass it.

Mahalo,
Khara Jabola-Carolus

HB-484

Submitted on: 1/25/2019 4:55:19 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

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

Comments:



of Hawaii

January 25, 2019

From: Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State House Committee on Health

Hearing Date/Time: Tuesday January 29, 2019 8:30 AM

Place: Hawaii State Capitol, Room 329

Re: Testimony in SUPPORT of HB484

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

Thank you for the opportunity to testify in strong support of HB484. As many of us now know the trauma caused by sexual violence can have negative consequences for a victim's mental health. Tape 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

H.B. 484 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 H.B. 484 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.

Sincerely,

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

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

² Ibid.



To: Hawaii State House of Representatives Committee on Health
Hearing Date/Time: Tuesday, Jan. 29, 2018, 8:30 a.m.
Place: Hawaii State Capitol, Rm. 329
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 484, relating to Clinical Victim Support Services

Dear Chair Mizuno and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 484, which seeks to require health insurance policies to include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders.

PPVNH is dedicated to advocating for women’s full equality in health care and we support H.B. 484 because it will help to ensure that survivors of sexual violence are provided with the care and support they need to recover and heal.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Laurie Field
Hawaii State Director

Executive Director
Adriana Ramelli

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Date: January 29, 2019

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

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapiolan'i Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 484
Relating to Clinical Victim Support Services

Good morning Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 484.

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 H.B. 484.

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 H.B. 484 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 H.B. 484.

HB-484

Submitted on: 1/27/2019 8:48:36 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doris Segal Matsunaga	Save Medicaid Hawaii	Support	No

Comments:

Aloha,

Save Medicaid Hawaii writes in support of Clinical Victim Support Services

H.B. 484 and S.B. 1036 which would require health insurers to cover clinical victim support services for sexual violence survivors when performed by their qualified mental health care provider with whom they have an established patient relationship.

- The CDC reports that an estimated 22 million women and 1.6 million men in the United States

are victims of rape, while 53 million women and 25 million men have experienced other forms of sexual violence.

- Trauma caused by sexual violence can have severe negative consequences for a victim's

mental health, with 81% of women and 35% of men reporting significant short- or long-term

consequences such as post-traumatic stress disorder.

- Besides psychotherapy, victims can require clinical victim support services to address their

mental health conditions.

- Clinical victim support services are delivered by the victim's therapist and can include:

o Working with schools, employers and other individuals/entities on issues like safety planning and reasonable accommodations for the victim's mental health conditions

o Assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations

o Coordinating with a victim's other health care providers, such as primary care physicians

and hospitals

- These services prevent additional trauma, and allow victims to heal, while avoiding costlier

interventions such as hospitalization.

- The victim's therapists should be able to provide these services directly to the victim and receive

reimbursement.

o The victim has already established a treatment relationship with the therapist, and

shared information about their sexual assault and experience.

o Providing insurance coverage for victim support services by victims' own therapists increases access to mental health care, as providers will be able to provide sexual violence survivors with the care they need and be fairly reimbursed.

Mahalo,

Doris Segal Matsunaga

Save Medicaid Hawaii



January 28, 2019

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair

Re: HB 484 – Relating to Clinical Victim Support Services

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

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 484 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 HB 484.

Sincerely,

Pono Chong
Vice President, Government Relations



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COMMITTEE ON HEALTH

Tuesday, January 29, 2019
8:30 A.M.

Conference Room 329
HB 484

Relating to Clinical Victim Support Services
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 484 as our Health Care position states that all residents of Hawaii must have access to a basic level of quality care.

The clarification in this bill provides that services are a mental health benefit required under policies offered by health insurers, benefit societies, fraternal benefit societies and health maintenance organizations who provide this basic level of quality care.

Thank you for allowing me the opportunity to submit testimony.

HB-484

Submitted on: 1/27/2019 1:35:35 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments:

We are in support of this bill and appreciate the efforts by the legislature to help protect those who may need this support.

HB-484

Submitted on: 1/27/2019 2:07:41 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Individual	Support	No

Comments:

This seems like common sense.

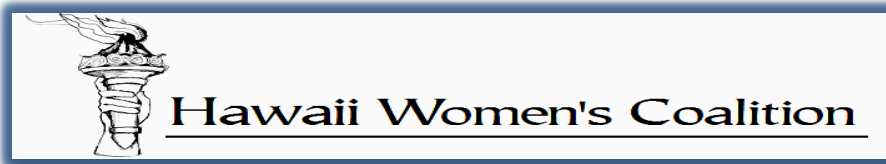
HB-484

Submitted on: 1/28/2019 3:58:48 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:



COMMITTEE ON HEALTH
Rep. John M. Mizuno, Chair
Rep. Bertrand Kobayashi, Vice Chair

LATE

DATE: Tuesday, January 29, 2019
TIME: 8:30 a.m.
PLACE: Conference Room 329

Strong Support for HB484 RELATING TO CLINICAL VICTIM SUPPORT SERVICES

Aloha Chair Mizuno, Vice Chair Kobayashi and members,

The Hawaii Women's Coalition is in strong support of this measure that we have been working on for a number of years. The bill and its Senate companion, SB1036, would require health insurers to cover clinical victim support services for sexual violence survivors when performed by their qualified mental health care provider with **whom they have an established patient relationship**. The key words here are "an established patient relationship."

Too often insurers have piecemealed the various treatments and services that a survivor needs following a traumatic assault. That means that they are required to tell their story to strangers over and over again. This just becomes another source of trauma.

What this bill would do if enacted would be to authorize the survivor's therapist to provide these services directly to the victim and receive reimbursement. In essence the therapist then, not only provides psychological treatment, but also coordinates the other services that a survivor may need for her/his full recovery.

These can include:

- Working with schools, employers and other individuals/entities on issues like safety planning and reasonable accommodations for the victim's mental health conditions
- Assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations
- Coordinating with a victim's other health care providers, such as primary care physicians and hospitals

Finally, here are some sobering statistics to consider: 1 in 7 women (14.2%) in Hawai'i have experienced a completed forcible rape during their lives. In the United States About 1 in 71 men (1.4%) in the United States have been raped. Over 40 percent of female victims of rape were first rape before the age 18 and more than one-quarter of male victims of rape were first raped before the age of 11.

Mahalo for the opportunity to testify,

Ann S. Freed
Co-Chair, Hawaii Women's Coalition

LATE

HB-484

Submitted on: 1/28/2019 4:29:46 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

LATE

HB-484

Submitted on: 1/28/2019 8:44:36 PM
Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Midwives Alliance of Hawaii	Support	No

Comments:

We strongly support HB484 and encourage the Health committee to pass this bill.

Victims can require clinical victim support services to address their mental health conditions.

- Clinical victim support services are delivered by the victim’s therapist and can include:

- o Working with schools, employers and other individuals/entities on issues like safety planning and reasonable accommodations for the victim’s mental health conditions
- o Assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations
- o Coordinating with a victim’s other health care providers, such as primary care physicians and hospitals

- These services prevent additional trauma, and allow victims to heal, while avoiding costlier interventions such as hospitalization.

- The victim’s therapists should be able to provide these services directly to the victim and receive reimbursement.

LATE

HB-484

Submitted on: 1/28/2019 8:47:40 PM

Testimony for HLT on 1/29/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I strongly support HB484.

Victims often require more than just psychotherapy. They can require clinical victim support services to address their mental health conditions. These are wrap around services that are important for the well being of the victim, the therapist whom they have a relationship with can provide these services directly without having to refer out, the services prevent additional trauma, and allow victims to heal, while saving additional costly hospitalizations, and therefore therapists should be reimbursed for these services.

Clinical victim support services delivered by the victim's therapist and can include:

- Working with schools, employers and other individuals/entities on issues like safety planning and reasonable accommodations for the victim's mental health conditions
- Assisting a victim to obtain entitlements and access programs and services offered by government agencies and community organizations
- Coordinating with a victim's other health care providers, such as primary care physicians and hospitals