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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, March 12, 2019
9:00 a.m.
State Capitol, Conference Room 329**

**On the following measure:
S.B. 1036, S.D. 1, RELATING TO CLINICAL VICTIM SUPPORT SERVICES**

Chair Mizuno 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.



LATE

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 HLT

In Support of SB1036 SD1
Tuesday, March 12, 2019, at 9:00 a.m. in Room 329

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

The Hawai'i State Commission on the Status of Women **supports** SB1036 SD1, 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 SD1 and urges the Committee to pass it.

Sincerely,
Khara Jabola-Carolus

SB-1036-SD-1

Submitted on: 3/8/2019 6:03:32 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

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

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of SB 1036 SD 1.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii

Testimony of
Joy Barua
Senior Director, Government and Community Relations & Community Benefit

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

March 12, 2019
9:00 a.m.
Conference Room 329

Re: SB1036 SD1, Relating to Clinical Victims Support Services

Chair Mizuno, Vice-Chair Kobayashi, and committee members, thank you for this opportunity to provide testimony on SB1036 SD1, 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. Effective 7/1/2050. (SD1)

Kaiser Permanente Hawai'i offers COMMENTS as follows:

Kaiser Permanente appreciates the intent of this measure to ensure that sexual assault victims receive appropriate treatment and services; however, in its current form, this measure 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.

Kaiser Permanente's existing services already meet the intent of this measure. Therefore, we recommend that this measure be deferred and request that a State Audit report be conducted pursuant to HRS section 23-51.

Thank you for the opportunity to offer comments.



Hawai'i Psychological Association

For a Healthy Hawai'i

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Phone: (808) 521-8995

House Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Testimony in Support of SB1036 SD1

March 12, 2019, 9:00 am, Room 329

The Hawai'i Psychological Association (HPA) supports SB1036 SD1, 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 SD1 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 SD1.

Respectfully submitted,

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

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Adriana Ramelli

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Date: March 12, 2019

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

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 Support of S.B. 1036 S.D. 1
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) supports S.B. 1036 S.D. 1.

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 interferes 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 has contributed 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 S.D. 1.

We were pleased to recently learn that one major Hawai'i health insurance provider intends to cover clinical victim support services. However, other insurers have not implemented coverage yet. It is therefore important that S.B. 1036 S.D. 1 pass in order to clarify the mental health benefit and assure that coverage for clinical victim support services will in fact go into effect for Hawai'i's survivors of sexual assault.

Thank you for this opportunity to testify in support of S.B. 1036 S.D. 1.

SB-1036-SD-1

Submitted on: 3/10/2019 1:47:47 PM

Testimony for HLT on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Mizuno, Vice-Chair Kobayashi, and members of the committee,

Thank you for the opportunity to submit a testimony in strong support of SB1036 SD1. 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 SD1 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.

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 SD1 to provide the support victims need. Mahalo for your consideration.

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

^[2] Ibid.



March 11, 2019

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

Re: SB 1036, SD1 – Relating to Clinical Victim Support Services

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

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 1036, SD1, 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 already meet the intent of this measure. HMSA already provides case management through both 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, SD1.

Sincerely,

Pono Chong
Vice President, Government Relations

LATE

SB-1036-SD-1

Submitted on: 3/12/2019 12:09:42 AM

Testimony for HLT on 3/12/2019 9:00:00 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:



Hawaii Women's Coalition

LATE

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

DATE: Tuesday, March 12, 2019
TIME: 9:00 AM
PLACE: Conference Room 329

Strong Support for SB1036 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 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