SB1036

Measure Title: RELATING TO CLINICAL VICTIM SUPPORT SERVICES.

Report Title: Insurance; Benefits; Clinical Victim Support Services;

Victims of Sexual Violence and Abuse

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

Description: covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal

benefit societies, and health maintenance

organizations.

Companion: <u>HB484</u>

Package: Women's Legislative Caucus

Current

Introducer(s):

Referral: CPH/HMS, WAM

BAKER, S. CHANG, DELA CRUZ, FEVELLA, INOUYE,

J.KEOHOKALOLE, KIDANI, NISHIHARA, K. RHOADS,

RUDERMAN, English, Gabbard, Kanuha, Kouchi,

Shimabukuro, L. Thielen, Wakai



DAVID Y. IGE GOVERNOR

JOSH GREEN

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

CATHERINE P. AWAKUNI COLÓN DIRECTOR

JO ANN M. UCHIDA TAKEUCHI

335 MERCHANT STREET, ROOM 310 P.O. BOX 541 HONOLULU, HAWAII 96809 Phone Number: 586-2850 Fax Number: 586-2856 cca.hawaii.gov

Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Commerce, Consumer Protection, and Health
and
Senate Committee on Human Services
Friday, February 8, 2019
9:00 a.m.
State Capitol, Conference Room 229

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

Chair Baker, Chair Ruderman, 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 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.

Testimony of DCCA S.B. 1036 Page 2 of 2

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.



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 Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
and
Senate Committee on Human Services
Senator Russell E. Ruderman, Chair
Senator Karl Rhoads, Vice Chair

Testimony in Support of SB1036

February 8, 2019, 9:00 am, Room 229

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

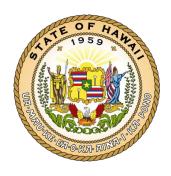
The Federal Centers for Disease Control and Prevention estimate that 43.9% of women and 23.4% of men have experienced forms of sexual violence other than rape within their lifetimes. Victims of sexual violence and abuse experience lasting emotional and psychological effects. In fact, 35 to 65% percent 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



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

Prepared for the Senate Committees on CPH/HMS

In Support of SB1036
Friday, February 8, 2019, at 9:00 a.m. in Room 229

Dear Chairs Baker and Ruderman, Vice Chairs Chang and Rhoads, and Honorable Members,

The Hawai'i State Commission on the Status of Women <u>supports</u> 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



February 6, 2019

The Honorable Rosalyn H. Baker, Chair The Honorable Stanley Chang, Vice Chair Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Russell E. Ruderman, Chair The Honorable Karl Rhoads, Vice Chair Senate Committee on Human Services

Re: SB 1036 – Relating to Clinical Victim Support Services

Dear Chair Baker, Chair Ruderman, Vice Chair Chang, Vice Chair Rhoads, 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 opposes the measure.

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



To: Hawaii State Senate Committees on Commerce, Consumer Protection and Health

and Human Services

Hearing Date/Time: Fri., Feb. 8, 2019, 9:00 a.m. Place: Hawaii State Capitol, Rm. 229

Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support

of S.B. 1036, relating to Clinical Victim Support Services

Dear Chairs Baker and Ruderman and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii ("PPVNH") writes in support of S.B. 1036, 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 S.B. 1036 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

<u>SB-1036</u> Submitted on: 2/1/2019 5:15:04 PM

Testimony for CPH on 2/8/2019 9:00:00 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

SB-1036

Submitted on: 2/4/2019 10:21:07 AM

Testimony for CPH on 2/8/2019 9:00:00 AM

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

Comments:

Dear Chair Baker, Vice-Chair Chang, Members of CPH Committee, and Chair Ruderman, Vice-Chair Rhoads, Members of HMS Committee,

Thank you for the opportunity to testify in 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. 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]

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 and mahalo for this opportunity to testify in support of this important bill.

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

[2] Ibid.

<u>SB-1036</u> Submitted on: 2/5/2019 2:52:25 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

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



Executive Director Adriana Ramelli

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Date: February 8, 2019

To: The Honorable Rosalyn H. Baker, Chair

The Honorable Stanley Chang, Vice Chair

Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Russell E. Ruderman, Chair The Honorable Karl Rhoads, Vice Chair Senate Committee on Human Services

From: Justin Murakami, Policy Research Associate

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 Chairs Baker and Ruderman, Vice Chairs Chang and Rhoads, and members of the Senate Committees on Commerce, Consumer Protection, and Health and on Human Services:

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.

<u>SB-1036</u> Submitted on: 2/7/2019 8:19:44 AM

Testimony for CPH on 2/8/2019 9:00:00 AM

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

<u>SB-1036</u> Submitted on: 2/4/2019 7:09:16 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

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

Comments:

We strongly support SB1036 and ask that you pass this bill. It is imperative that we take down the barriers to care that sexual violence survivors need; instead creating healing pathways. One of the ways to do this is to ensure that there is health coverage for clinical victim support services for sexual violence survivors. Thank you for the opportunity to testify on this important matter.



To: Senate Committee on Commerce, Consumer Protection and Health Senate Committee on Human Services

Hearing Date/Time: 2/8/19 at 9:00am **Place**: Conference Room 229, State Capitol

Re: TESTIMONY IN SUPPORT OF SB 1036 – RELATING TO CLINICAL VICTIM SUPPORT SERVICES

Dear Committee Chairs and Vice-Chairs and members of each Committee,

Sexual violence is a profound social and public health problem in the United States which affects both females and males across the lifespan.

Based on data extracted from the Youth Risk Behavior Surveys (2013-2017) on questions concerning sexual violence, results show that **Hawai'i's young people experience sexual violence at rates equal to or higher than the national average**. One question of particular interest reported that 11.7% of High School students in the state experienced sexual violence by anyone in the 12 months before the survey, compared to 9.7% nationally. The results indicate an urgent need for Hawai'i to pass legislation that supports sexual violence response and prevention efforts.

In addition to local data, CDC also reports an estimated 22 million women and 1.6 million men in the United States that are victims of rape, while 53 million women and 25 million men have experienced other forms of sexual violence. Due to the sensitivity of this issue, researchers and physicians believe there is a likelihood of underreporting, concluding that these numbers could actually be much higher.

After a sexual assault, survivors undergo psychological, emotional, and physical effects with depression being one of the most common. Other effects include but are not limited to: self-harm, sexually transmitted infections, substance abuse, unwanted pregnancy, sleeping and eating disorders and even suicide. 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 needs. These services include working with schools, employers, or other entities to ensure safety planning and implement reasonable accommodations for the victim's mental health condition. Services also include coordination with other health care providers such as primary care physicians and hospitals. Health care providers would be able to assist with accessing programs and services offered by government agencies and community organizations.

Services provided through the victim's health care provider prevent additional trauma, allow victims to heal, and avoid costlier interventions. Providing insurance coverage for victim support services increases access to mental health care, as providers can provide sexual violence survivors with the care they need and be fairly reimbursed.

We stand in support of SB 1036 and respectfully urge your Committees to pass this bill. Thank you for the opportunity to submit testimony.

Sincerely,

Lisa Kimura Executive Director



COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH Senator Rosalyn H. Baker, Chair Senator Stanley Chang, Vice Chair

COMMITTEE ON HUMAN SERVICES Senator Russell E. Ruderman, Chair Senator Karl Rhoads, Vice Chair

DATE: Friday, February 8, 2019

TIME: 9:00 AM

PLACE: Conference Room 229



Aloha Chair Baker, Vice Chair Chang, Chair Ruderman, Vice Chair Rhoads 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

<u>SB-1036</u> Submitted on: 2/3/2019 5:38:03 AM

Testimony for CPH on 2/8/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Amberg	Individual	Support	No

Comments:

Please support this bill. I am a clinical provider, and it should go without saying that abuse services must include both clinical and mental health services. These must be covered services.

Thank you.

<u>SB-1036</u> Submitted on: 2/3/2019 3:51:55 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

<u>SB-1036</u> Submitted on: 2/4/2019 12:56:50 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

To: Hawaii State Senate's Committees on Commerce, Consumer Protection, and

Health, and Human Services

Hearing Date/Time: Tuesday, February 8, 2019 at 9:00a.m. Place: Hawaii State Capitol, Room 229

Re: Judith Ann Armstrong is in support of SB1036 relating to Clinical Victim

Support Services

Dear Members of the Committees,

I, Judith Ann Armstrong, am strongly in support of SB1036, 'Rape Victims Clinical Services'.

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

Sincerely, Judith Ann Armstrong 1717 Ala Wai Blvd Apt 3006 Honolulu, HI 96815

<u>SB-1036</u> Submitted on: 2/4/2019 7:10:45 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

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

Comments:

I strongly support SB1036 and urge you to pass this bill. The Youth Risk Behavior Surveys (2013 – 2017) data indicates that, statewide and in every county, Hawai'i's young people experience sexual violence at rates that are equal to or higher than the national average. The data further underscores the urgent need for Hawai'i to pass legislation that supports sexual violence response and prevention efforts. Lets demonstrate that we care about sexual violence survivors and their healing within our community.

Aloha,

ROSALYN H. BAKER, CHAIR, STANLEY CHANG, VICE CHAIR, & COMMITTEE MEMBERS, COMMITTEE OF COMMERCE, CONSUMER PROTECTION AND HEALTH

RUSSELL E. RUDERMAN, CHAIR, KARL RHOADES, VICE CHAIR, & COMMITTEE MEMBERS, COMMITTEE OF HUMAN SERVICES

RE: SB1036, RELATING TO CLINICAL VICTIM SUPPORT SERVICES Friday, February 8, 2019, 9:00 AM, Conference Room 229

Thank you for this opportunity to testify as an individual in support of SB1036. My name is Mary Fenton, and I am a student at the Myron B. Thompson School of Social Work in the Master of Social Work program. I am currently doing my practicum at a private practice, and in the past have acted as a volunteer and completed practicums that offer services to those affected by domestic and sexual violence. I strongly support SB1036, 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. These services are an essential aspect of continued care in supporting survivors. According to RAINN, every 98 seconds another American is sexually assaulted. Clinical victim support services assist to prevent further trauma to survivors and may reduce the need for more expensive interventions, such as hospitalization. These support services provided by a survivor's therapist should be considered as a part of quality care, and as such these therapists should be reimbursed for their work. It is imperative that health insurance providers notify their patients and health care providers of their services and coverage related to clinical victim support services. These services may include:

- Coordinating with other health care providers and hospitals, working with schools, employers and other individuals to ensure safety planning and accommodations.
- Assisting survivors to obtain entitlements and access services and programs offered by government agencies and community services, which are integral to promoting healing and recovery in the long term. Thank you again for your time and consideration as I testify in support of SB1036.

Sincerely, Mary Fenton marydf@hawaii.edu

<u>SB-1036</u> Submitted on: 2/6/2019 4:00:50 PM

Testimony for CPH on 2/8/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Logue	Individual	Support	No

Chair Rosalyn Baker, Vice Chair Stanley Chang Committee on Health

Chair Russell Ruderman, Vice Chair Karl Rhoads Committee on Human Services

Matthew Toynton Myron B Thomas school of social work, University of Hawaii at Manoa mtoynton@hawaii.edu

2/8/2019, 9:00 am, Room 229

In support for S.B. 1036 Relating to Victims of Sexual Violence

I am Matthew Toynton, a student studying social work at the University of Hawaii at Manoa and I work at the Hawaii State Hospital as a paramedical assistant.

Students in public intermediate and high schools are expected to take a health class. What is not discussed is mental health. Mental health and mental illnesses often have a stigma associated with them and are not disused as something that often needs treatment. Each new bill that provides mental health services or treatment helps to erase this stigma.

We know solders returning from war, victims of intimate partner violence, and children that witness intimate partner violence often have poor mental health, or a mental illness. According to Hawaii crime statistics, in 2017, there were 567 reported rapes. Do each of these survivors receive mental health services in addition to physical health services? It is time survivors of rape receive the same treatment and services provided to those previously mentioned. Requiring health insurers to provide mental health services to victims of rape is important to me personally and professionally.

For these reasons, I am in favor of S.B. 1036 I urge you to do the same.