



DAVID Y. IGE  
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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 Consumer Protection & Commerce  
Tuesday, March 22, 2022  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
S.B. 2375, S.D. 1, H.D. 1, RELATING TO SOCIAL WORK**

Chair Johanson and Members of the Committee:

My name is Rochelle Araki, and I am the Executive Officer of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division (Division) Social Worker Licensing Program. The Department offers comments on this bill.

The purpose of this bill is to require the Department of Public Safety, in collaboration with the Department of Human Services, to develop and establish a social work training program to assist incarcerated nonviolent individuals in the area of social work. This measure also requires progress reports on the program to the Legislature.

While the Department appreciates the intent of this measure as it provides a pathway for non-violent individuals in the area of social work, the Department would like to ensure that any individual exploring a professional pathway in the practice of social work also comply with HRS chapter 467E. HRS chapter 467E sets forth, among other things, the requirements to be issued a license to practice social work in the State of

Hawaii as well as specific prohibited acts in connection with the use of the title of social worker with the person's name.

For the Committee's information, HRS section 467E-7 sets forth the license requirements for licensed social workers in the State, including education, examination, and experience requirements, and HRS section 467E-13 sets forth prohibited acts and penalties. HRS section 467E-13 states, in relevant part, that:

- (a) No person shall:
  - (1) Use in connection with the person's name any designation tending to imply that the person is a social worker, licensed bachelor social worker, licensed social worker, or licensed clinical social worker unless the person is duly licensed and authorized under this chapter; and
  - (2) Represent oneself as a social worker, licensed bachelor social worker, licensed social worker, or licensed clinical social worker during the time the person's license issued under this chapter is forfeited, terminated, suspended, or revoked...
- (b) Any person who violates this section shall be subject to a fine of not more than \$1,000 and each day's violation shall be deemed a separate offense.

Thus, any person engaged in the practice of social work, unless specifically exempted from licensure pursuant to HRS section 467E-6, is subject to licensure by the Program.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
ON  
SENATE BILL NO. 2375, S.D. 1, H.D. 1

**March 22, 2022**  
**2:00 p.m.**  
**Room 329 and Videoconference**

RELATING TO SOCIAL WORK

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2375, S.D. 1, H.D. 1, amends Chapter 353H, HRS, and does the following: 1) require the Department of Public Safety (PSD), in collaboration with the Department of Human Services (DHS), to develop and establish a program to assist nonviolent incarcerated individuals in exploring a professional pathway in the practice of social work and becoming eligible for employment as assistants to licensed social workers; 2) require PSD and DHS to submit progress reports to the Legislature on the development and establishment of the program, along with findings, recommendations, and proposed legislation; and 3) appropriate an unspecified amount of general funds to PSD for FY 23 for the development and establishment of the program.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

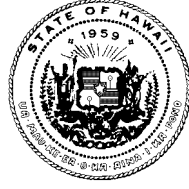
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 21, 2022

TO: The Honorable Representative Aaron Ling Johanson, Chair  
House Committee on Consumer Protection & Commerce

FROM: Cathy Betts, Director

SUBJECT: **SB 2375 SD1 HD1 – RELATING TO SOCIAL WORK.**

Hearing: March 22, 2022, 2:00 p.m.  
Via Videoconference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the bill, offers comments, and requests clarification. The Department defers to the Department of Public Safety (PSD).

**PURPOSE:** The purpose of the bill requires the department of public safety, in collaboration with the department of human services, to develop and establish a social work training program to assist incarcerated nonviolent individuals in the area of social work. Requires progress reports on the program to the legislature. Appropriates funds. Effective 7/1/2060. (HD1)

The SD1 amended the measure by:

- (1) Providing that eligible participants in the program may include all nonviolent incarcerated individuals, rather than nonviolent misdemeanants and petty misdemeanants only, as suggested in written comments from the Community Alliance on Prisons;
- (2) Clarifying that participants should be trained to explore a professional pathway in the practice of social work, as suggested in written comments from the Hawaii Chapter of the National Association of Social Workers;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

(4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

The HD1 further defected the effective date and made additional technical amendments.

The Department appreciates the SD1 amendments to establish a program that explores a pathway toward social work practice. Given the continuing stress and impacts of the pandemic, the need and demand for social workers, mental health providers, or individuals with those skills will increase. In addition, employment is a strong protective factor against recidivism, and incarcerated individuals may bring with them lived experience expertise that could be useful in the social work field and the community.

Department is aware of models where incarcerated individuals gain high school diplomas and college credits while incarcerated. However, these models generally have strong leadership from higher education, and the Department and PSD will likely need technical assistance from higher education, other skills-building, or mentorship programs.

Several other measures contemplate additional reentry, family, and community resources, including HB 1741 HD1 Relating To Children And Family of Incarcerated Individuals. The Department, PSD, and community organizations have partnered to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu. Additionally, DHS administration measure SB3111 SD2 Relating to Family Resource Centers, is a partnership with the Departments of Education and Health, the Office of Youth Services, the Hawaii Youth Correctional Facility, and community organizations. SB3111 SD2 aims to establish a school- and community-based network of family resource centers. A cadre of social workers, paraprofessionals, or peer specialists with justice system experiences would be a valuable resource to individuals and families impacted by incarceration.

The Department will collaborate with PSD, higher education, and other agencies and community organizations on this innovative proposal.

Thank you for the opportunity to testify on this measure.



## **SB2375 SD1 HD1 Offender Education for Social Work**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

Tuesday, Mar 22 2022: 2:00 : Videoconference

### **Hawaii Substance Abuse Coalition Supports SB2375 SD1 HD1:**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

There could be potential here.

A successful candidate for social work starts with education and includes:

1. Empathy, communication, organization
2. Commitment, ethics, patience
3. Active listening, critical thinking, cultural competence
4. Self-care, organization, and
5. Willingness to be trained and developed.

Successful reentry contains these elements *if needed*:

- 1. Substance use disorder treatment or co-occurring substance abuse and mental health treatment**
- 2. Mental health treatment (no substance abuse)**
- 3. Criminality programs to change attitudes and beliefs about crime.**
- 4. Housing**
- 5. Family reunification**
- 6. Employment and/or Education**
- 7. Support from Probation/Parole**
- 8. Case management as needed.**
- 9. Healthcare**
- 10. Mentoring**

Reentry is a highly cost-effective investment.

We appreciate the opportunity to provide testimony and are available to answer questions. Aloha, HSAC

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Aaron Ling Johanson , Chair

Representative Lisa Kitagawa, Vice Chair

Tuesday, March 22, 2022

2:00 PM

### **STRONG SUPPORT FOR SB 2375 HD1 - EDUCATION: PATHWAYS TO SOCIAL WORK**

Aloha Chair Johanson, Vice Chair Kitagawa and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 3,997 Hawai`i individuals living behind bars<sup>1</sup> under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that 1,110 of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for this opportunity to share Community Alliance on Prisons’ strong support for SB 2375 HD1 that offers pathways to social work to nonviolent incarcerated. We appreciate the SD1 amendment that opens this opportunity to more persons and the NASW amendment that strengthens the bill by adding the highlighted language, “to assist nonviolent incarcerated individuals in exploring a professional pathway in the practice of social work and becoming eligible for employment as assistants to licensed social workers.”

Passage of this measure for incarcerated people who have lived experience in the system is a benefit to all. It is one thing to study an issue, and quite another to have lived experience that can offer new and innovative ways to lift up some of the most vulnerable people in our communities. What a great way to help people serving time plan for a successful reentry back to the community!

People with the lived experience of being part of the social service system have more than a textbook understanding of what is needed to lift up struggling families and individuals. By honoring their experience and helping them gain the tools to help others is a winning strategy that Community Alliance on Prisons wholeheartedly supports!

We ask the committee to support this measure and help people explore opportunities they might never have imagined possible!

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<sup>1</sup> Department of Public Safety, Weekly Population Report, March 14, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-14.pdf>





**To: Committee on Consumer Protection and Commerce**

**Hearing Date/Time: Tuesday March 22, 2022 2:00 PM**

**Re: Testimony in Support of SB 2375 SD1 HD1**

**From: Heather Lusk, Hawaii Health and Harm Reduction Center**

Dear Chair Johanson, Vice Chair Kitagawa and members of the committee:

The Hawaii Health & Harm Reduction Center (HHHRC) supports SB 2375 SD1 HD1 and respectfully provides comments to expand the scope of this bill to include certified peer specialists. Peer specialists for mental health and substance abuse have long-histories of effectively working with people who may be struggling with behavioral health issues. More recently, the Hawaii Department of Health has started a Forensic Peer Specialist program which is specifically for people with a history of incarceration who can be certified to work with people involved in the criminal legal system.

As a social worker, I strongly support increasing access to education and training to become a licensed social worker, but also know that there are many challenges in integrating accredited social work programs into systems such as correctional facilities. By adding Peer Specialists, which are already commonly used in correctional settings on the continent, this would provide a much needed foundation for those potentially interested in pursuing a higher degree in the future.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
Rep. Aaron Ling Johanson, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Tuesday, March 22, 2022 - 2:00pm - via videoconference

**Testimony in Support with Comments on SB2375 SD1HD1 RELATING TO SOCIAL WORK**

The National Association of Social Workers – Hawai'i (NASW- HI) supports SB2375 SD1 HD1, which would require the Departments of Public Safety and Human Services to coordinate to establish a program to train nonviolent, incarcerated individuals in the area of social work.

NASW-HI greatly appreciates the spirit and intent of this measure, which would encourage misdemeanants, with valuable life experience interfacing with social service organizations, to train and pursue employment opportunities in the area of social work, once released. However, we respectfully request that the language in the bill be revised so that it does not imply that a license in social work - requiring a masters' degree including practicum experience, as well as a licensure exam, can be accomplished via apprenticeship through this program.

Accordingly, NASW-HI respectfully the following amendment to page 2, lines 14-20

**"§353H- Incarcerated individuals; social work training program; established.** (a) The department shall develop and establish a program, in collaboration with the department of human services, to train incarcerated nonviolent misdemeanants and petty misdemeanants in the area of social work to explore a professional pathway in the practice of social work, and become eligible for employment as assistants to licensed social workers [~~or individuals on a pathway to be a licensed social worker~~]."

To better understand the distinction between working in "the area of social work" and the "Practice of Social Work," this description adopted by the NASW is helpful:

*Social work practice consists of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; counseling and psychotherapy with individuals, families, and groups; helping communities or groups provide or improve social and health services; and participating in legislative processes. The practice of social work requires knowledge of human development and behavior; of social, economic, and cultural institutions; and of the interaction of all these factors.*

Thank you for the opportunity to provide this testimony in support.

Sincerely,

 MSW, LCSW

Sonja Bigalke-Bannan, MSW, LCSW

Executive Director,

National Association of Social Workers- Hawai'i Chapter

**SB-2375-HD-1**

Submitted on: 3/21/2022 11:48:00 AM

Testimony for CPC on 3/22/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE

RE: SB2375 (In Support)

Dear Rep. Aaron Ling Johanson, Chair, Rep. Lisa Kitagawa, Vice-Chair and Members of the Committee,

I am Wendy Gibson-Viviani, an RN who has lived and worked on Oahu for 29 years. I am writing in SUPPORT OF SB2375.

I believe that training non-violent incarcerated people in the area of social work can create a pathway to meaningful work and increase the chances of successful integration back into society.

Please help provide that pathway by supporting SB2375.

Thank you for this opportunity to submit testimony.

Wendy Gibson-Viviani RN/BSN

Kailua

DAVID Y. IGE  
GOVERNOR



MAX N. OTANI  
DIRECTOR

Maria C. Cook  
Deputy Director  
Administration

Tommy Johnson  
Deputy Director  
Corrections

Jordan Lowe  
Deputy Director  
Law Enforcement

**LATE**

STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
1177 Alakea Street, 6th Floor  
Honolulu, Hawaii 96813

No. \_\_\_\_\_

**WRITTEN TESTIMONY ONLY**

TESTIMONY ON SENATE BILL 2375, SENATE DRAFT 1, HOUSE DRAFT 1  
RELATING TO SOCIAL WORK.

by

Max N. Otani, Director

House Committee on Consumer Protection and Commerce  
Representative Aaron Ling Johanson, Chair  
Representative Lisa Kitagawa, Vice Chair

March 22, 2022; 2:00 p.m.  
Conference Room 329 and Via Videoconference

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Department of Public Safety (PSD) offers the following comments on Senate Bill (SB) 2375, Senate Draft (SD) 1, House Draft (HD) 1, which seeks to require PSD, in collaboration with the Department of Human Services (DHS), to develop and establish a program to train incarcerated non-violent individuals in the area of social work. If enacted, this measure would also require PSD to provide progress reports to the Legislature no later than twenty days prior to the convening of the 2023 and 2024 Legislative sessions. In addition, the measure appropriates an unspecified amount of funds for this initiative.

In general, PSD recognizes the need and value of increasing the number of trained and licensed social workers to help address community needs in dealing with societal stressors and mental health concerns. The Department also recognizes that pursuing a professional degree in social work requires time, resources, and a personal commitment, which may be difficult to sustain in the correctional setting. If

PSD were to establish such a program, a considerable amount of time would be needed to be expended in planning the structure, reviewing and modifying departmental policies and procedures, building partnerships with educational institutions to develop appropriate staged curricula, and networking with community and agency stakeholders to assist in developing funding sources.

In addition, by policy, incarcerated offenders under the jurisdiction of PSD are not allowed to provide case management counseling for other offenders under the Department's jurisdiction. The foregoing shows the breadth of the challenges in effecting this proposal. PSD, therefore, respectfully suggests that the Committee on Consumer Protection and Commerce consider amending SB 2375, SD 1, HD 1 to first create a working group to explore both the proposal and identify and develop conceptually the intermediate steps that will need to be taken before establishing a social work degree program in the Department.

Thank you for the opportunity to submit testimony on SB 2375, SD 1, HD 1.