

STAND. COM. REP. NO.

813

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 768  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 768, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADOLESCENT MENTAL HEALTH SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that licensed mental health professionals providing mental health treatment to a minor have a standard of care duty to explain to the minor the meaning of confidential mental health care services and to ask the minor if the minor wants the provision of mental health care services to be kept confidential from the minor's parent or guardian;
- (2) Prohibit health plans and providers from disclosing any payment or billing information for a minor's mental health services to a policyholder or other covered person if the minor received the services without the consent or participation of the minor's parent or legal guardian;
- (3) Specify that the minor's parent or legal guardian is not responsible for out-of-pocket payments for minor-



initiated mental health treatment or counseling services, except in certain circumstances; and

- (4) Clarify that a minor is not responsible for out-of-pocket payments, regardless of parent or guardian participation in treatment or services received.

Your Committee received testimony in support of this measure from the Department of Health, LGBT Caucus of the Democratic Party of Hawai'i, Mental Health America of Hawai'i, Hawaii Youth Services Network, Hawai'i Psychological Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from Hawaii Medical Service Association and Hawaii Association of Health Plans.

Your Committee finds that often times minors may be hesitant to seek mental health services because they do not feel safe or comfortable asking for consent from a parent or guardian for treatment. While the suppression of explanation of benefits is a standard practice where minor consent laws exist to preserve minors' privacy, the existing law does not explicitly prevent health plans from disclosing bill information related to minor-initiated mental health services. This measure ensures a minor's privacy is maintained when the minor seeks mental health treatment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 768, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



