STAND. COM. REP. NO.

Honolulu, Hawaii

MAY 1 2 2020

RE: H.B. No. 2043 H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 2043, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- Allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatment or counseling services to minors without parental or legal guardian consent, knowledge, or participation;
- (2) Require a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate; and
- (3) Require a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Youth Services Network,



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Hawaii Substance Abuse Coalition, Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Parents and Children Together, Hawai'i Public Health Association, League of Women Voters of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from ten individuals. Your Committee received comments on this measure from the Hawaii Medical Service Association and Hawaii Association of Health Plans.

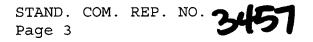
Your Committee finds that the Department of Health convened a task force, pursuant to Act 13, Session Laws of Hawaii 2018, to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. The findings of the task force revealed that there was general agreement amongst task force members to amend existing law to increase access to adolescent mental health services. Accordingly, this measure, which is a product of the task force led by the Department of Health's Child and Adolescent Mental Health Division, improves timeliness and access to care in the development of minor's mental health issues.

Your Committee has amended this measure by:

- Deleting language that would have required a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities;
- (2) Inserting language to require a mental health professional to ensure that the covered entity has been notified that minor-initiated mental health treatment or counseling services should not be disclosed;
- (3) Clarifying provisions related to the policies and procedures of a covered entity to maintain nondisclosure of minor-initiated mental health treatment or counseling services; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is





attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2043, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2043, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Health,

ROSALYN H. BAKER, Chair



The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Commerce, Consumer Protection, and Health CPH

Bill / Resolution No.:*	Committee Referral:			Date:		
HB 2043, HD2	CPH, JDC/WAM			3/10/20		
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended V Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	R) N	lay	Excused
BAKER, Rosalyn H. (C)						
CHANG, Stanley (VC)		~				
NISHIHARA, Clarence K.						
RUDERMAN, Russell E.		V				
THIELEN, Laura H.		~				
WAKAI, Glenn		\checkmark				
FEVELLA, Kurt						~
TOTAL		6				l
Recommendation:						
Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

*Only <u>one</u> measure per Record of Votes